

THE HON'BLE SRI JUSTICE PRAVEEN KUMAR

WRIT PETITION No. 17344 of 2016

ORDER:

Heard Sri Peri Prabhakar, learned counsel for the petitioner and Sri Mohd. Saleem, learned standing counsel for Madakasira Municipality.

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Honourable Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent no.2 in proposing to demolish the structures of the petitioners and utilize the same for road widening without issuing any notice to the petitioner or acquiring the same under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 as arbitrary, illegal, unsustainable and in violation of Article 300 A of Constitution of India and 174 of the A.P. Municipalities Act of 1965 and consequently direct respondents not to demolish structures of petitioner bearing Door Nos.15/374, 375 and 376 and premises bearing Door Nos.14/341, 342 and 343, situated at Madakasira, Madakasira Municipality, Anantapur District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.’

Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to follow due process of law.

Having regard to the facts and circumstances of the case and without going into the merits of the case, the present writ petition is disposed of directing the respondents not to interfere with the subject properties in the context of road widening except in accordance with the due procedure laid down by law.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

JUSTICE PRAVEEN KUMAR

06.06.2016,
vnb