THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos. 14406, 14436, 14451, 14462, 14467, 14473, 14483, 14486 and 14499 OF 2016

COMMON ORDER:

Heard Sri P.S.P.Suresh Kumar, learned counsel for the petitioners in this batch of cases, and Sri R.Sudheer, learned Standing Counsel for the Vijayawada Municipal Corporation.

2. The prayer of the petitioners in all these cases is identical and extraction of one such prayer would suffice for the purpose of this order. The prayer in W.P.No.14406 of 2016 reads as under:

> "The Hon'ble Court may be pleased to issue order or direction more particularly in the nature of writ of Mandamus declaring the action of Respondents in trying to interfere and dispossess the Petitioner from his land admeasuring of 142.22 Sq.yrds and 134.44 Sq.yrd total admeasuring 276.66 Sq.yrds,
> in Re-Survey No.106/2, Present Sy.No.106/2A, Plot No.6, situated at Bhavanipuram, Vijayawada, Krishna District and trying to construct Pushkar Ghats and River front project as illegal, arbitrary and violation of principles of natural justice, violation of Articles 14, 21 & 300-A of Constitution of India and consequently direct the Respondents not to construct Pushkar Ghat and River front project in Petitioner Land and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case."

3. Sri P.S.P.Suresh Kumar, learned counsel for the petitioners, would submit that the municipal authorities are taking steps to interfere with the possession of the petitioners over their lands and there is an imminent threat of their dispossession.

4. Sri R.Sudheer, learned Standing Counsel, would however

state that the municipal authorities are proposing to take up a River front project and in relation thereto, only an initial survey was conducted. According to him, the petitioners misunderstood the scope of such an exercise and rushed to this Court by way of these writ petitions. Learned Standing Counsel would further state that the municipal authorities would strictly abide by the due procedure laid down by law while implementing the project and in the event, the lands occupied by the petitioners are required, the due procedure would be followed to either acquire their lands by way of negotiations or under the mandate of law.

5. The afore-stated stand of the municipal authorities, as put forth by the learned Standing Counsel, is duly taken on record. In the light thereof, no adjudication is warranted in these writ petitions.

6. The Writ Petitions are accordingly disposed of directing the municipal authorities to follow the due procedure laid down by law in the event any interference is warranted with the petitioners' lands.

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

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JUSTICE SANJAY KUMAR

April 26, 2016
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