

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9469 OF 2017

ORDER:

The action of the respondents, in seeking to demolish the house of the petitioner at D.No.48-16-4/3A, Mahanadu Road, Vijayawada, Krishna District, without initiating acquisition proceedings and without payment of compensation under Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act'), is questioned in this Writ Petition as being illegal, arbitrary and violative of Article 300-A of the Constitution of India.

Learned Counsel for the petitioner submits that, by the impugned notice dated 28.01.2017, respondent – authorities are intending to demolish the subject house for the purpose of road widening without following due process of law. He further submits that the respondent – authorities are forcing to consent to G.O.Ms.No.168, M.A. dated 07.04.2012, wherein the Government had given concessions to land affected in road widening viz. i. TTR Bonds for double extent of land that is going to be affected in road widening (1:2); ii. construction of extra floor equivalent to the land affected in road widening (1:1); and iii. avail setbacks in front, back and two sides of the house equivalent to the land affected.

Heard Sri R.Sudheer, learned Standing Counsel for Vijayawada Municipal Corporation.

It is well settled that no citizen can be deprived of his property rights, which are protected under Article 300-A of the Constitution of India, without following the due process of law. However, it is open for the petitioner to accept or not the concessions granted in G.O.Ms.No.168, M.A. dated 07.04.2012. If the petitioner does not wish to avail the facilities of TTR Bonds or construction of extra floor or avail setbacks, as notified in G.O.Ms.No.168, M.A. dated 07.04.2012, respondent - authorities are at liberty to acquire the property for the purpose of road widening by following due process of law.

The writ petition is disposed of accordingly. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

CHALLA KODANDA RAM,J

Date:17.02.2017
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