

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4854 OF 2017

ORDER :

The action of the respondents in issuing the notice dated 29.01.2017 directing the petitioner to give consent for demolition of the structures in premises bearing D.No. 54-1-7/2J/2, Vijayalakshmi Colony, Gunadala, Mahanadu Road, Vijayawada, Krishna District, for the purpose of road widening, without initiating acquisition proceedings and without paying any compensation under the provisions of the Right to fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is questioned in this Writ Petition.

Learned Counsel for the petitioner submits that by the impugned notice, the respondent authorities are intending to demolish the subject property for the purpose of road widening, without following due process of law. He further submits that the respondent authorities are forcing his client to consent to G.O.Ms.No.168, Municipal Administration Department, dated 07.04.2012, wherein the government had given concessions to the affected parties 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/her right to property which is protected under Article 300-A of the Constitution of India, without following due process of law. Further, it is open for the petitioner to accept or not the concessions granted in terms of G.O.Ms.No.168, dated 07.04.2012. If the petitioner does not wish to avail the facilities, as notified in G.O.Ms.No.168, dated 07.04.2012, the 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.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

13th February 2017

Issue CC in two days.
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CHALLA KODANDA RAM, J

