

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.24575 of 2017

Date:25.07.2017

Between:

Y.A. Satyanarayana

...Petitioner.

AND

The State of Telangana,
Rep by its Principal Secretary
to Government, Municipal Administration
& Urban Development Department,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur,
Guntur District and another.

...Respondents.

The Court made the following :



THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

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ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in proposing for demolition of the commercial property of the petitioner admeasuring 14'-00" x 18'-00" i.e., total extent of 252.00 square feet out of his commercial building bearing municipal Door No.50-749-B situated in Tagore Nagar, Opp. to Maddur Nagar, Kunrool City, Kurnool District pursuant to R.C.No.G-1/7207/2017, dated .06.2017 of the respondent No.2 issued in the name of the dead person, i.e., father of the petitioner for the purpose of the road widening, without following the due process of law under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) as illegal, arbitrary and contrary to law.

2. The case of the petitioner is that his father is owner of the premises bearing municipal Door No.50-749-B, situated in Tagore Nagar, Opp: Maddur Subba Reddy Nagar, Karnool City having acquired the same by the petitioner vide Partition Deed dated 18-05-1957 registered as document No.Rc.No.1081 of 1957. The petitioner's father died in the year 2004 and thereafter, leaving behind the petitioner, wife of the deceased, younger son and two daughters. The petitioner being eldest son of the deceased has been managing the family. Out of the property so inherited by the petitioner and his family members, a part of the property is being affected by the proposed road widening and the respondent-authorities issued impugned notice dated .06.2017 asked the

petitioner to remove the structure admeasuring 14' x 18' out of the subject property for public safety and to avoid traffic problems and as such, the second respondent-corporation is willing to pay compensation as per G.O.Ms.No.175 MA & UD Department, dated 25-08-2014 read with Section 14 (6) of the AP Town Planning Act, 1920 and also requested to produce the documents regarding ownership of the property and sanction of building permission within seven days. Aggrieved by the same, the present writ petition is filed.

2. Heard the learned counsel for both the parties.

3. Learned counsel for the petitioner submits that the petitioner is not willing to receive the compensation in terms of G.O.Ms.No.175 MA & UD Department, dated 25-08-2014 read with Section 14 (6) of the A.P. Town Planning Act, 1920 and the respondents have to follow the due process of law under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. Learned Standing counsel for the respondents says that the respondents will follow due process of law and take action against the petitioner's property.

5. In view of the facts and circumstances of the case, the respondents shall not dispossess the petitioner's property, without following due process of law.

6. Accordingly, the writ petition is disposed of. No costs.
7. As sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

JUSTICE A. RAJASHEKER REDDY

Date:25.07.2017

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