

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5887 OF 2017

ORDER :

This Writ Petition is filed by the petitioners aggrieved by the proposed action of the respondents in marking their houses and shops situated at N.K. R&B Road, Tekke, 29th Ward, Nandyal in the process of road widening.

The case of the petitioners is that on an earlier occasion, the 2nd respondent authorities have made markings taking the centre point and dividing the land required equally both sides of the road. However, on 13.12.2016, the 2nd respondent authorities have made revised markings more towards the petitioners' properties, which are getting affected, in that process. It is also the case of the petitioners that no proceedings in accordance with law have been initiated.

Heard learned counsel for the petitioners.

Learned Standing Counsel for the 2nd respondent Municipality Sri Mohd. Saleem submits that the markings have been made in accordance with the plan provided by the Regional Deputy Director of Town Planning in R.D.P. Nos. 1/17 and 2/17 and the Municipality, by itself, is not entitled to make any changes therein. He further submits that the petitioners, as a matter of fact, have occupied the road margins and hence, they cannot make any grievance if some portion of their land is taken for the purpose of road widening.

Considered the respective submissions. The case of the petitioners that their property cannot be marked for the purpose of road widening, without following the due process, cannot be found

fault with. So far as the markings are concerned, the land required for the purpose of road widening would depend on the technical necessity and the Engineers would be the best persons to decide. Here, in this case, the petitioners have made the representation dated 17.12.2016, consideration of which does not require any order being passed as there is no adjudication or determination of rights involved which otherwise is required to be made in terms of any statutory rule or a regulation.

In those circumstances, the Writ Petition is disposed of with a direction to the respondents to take into account and consideration the objections raised by the petitioners and take a decision to what extent the land is required and as far as possible, the equitable way so as to minimise the damage to the petitioners. It is needless to mention that the petitioners would be entitled to necessary compensation in terms of the procedure prescribed. The property can be affected either by negotiations or by initiation of proceedings under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. No costs.

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

CHALLA KODANDA RAM, J

20th February 2017

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