

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.13405 of 2017

ORDER:

This Writ Petition is filed by the petitioner challenging the notice dated 06.04.2017, issued by the 2nd respondent-Yemmiganuru Municipality.

It is the specific assertion of the petitioner that on earlier occasion, when the respondent tried to demolish its properties, W.P.No.9956 of 2017 was filed and this Court directed as under –

“Hence, the Writ Petition is disposed of directing the 2nd respondent not to demolish the structures of Sree Veerabhadra Swamy Temple, Sree Bhasaveswara Swamy Temple and the abutting shop rooms, situated at Sharoff Bazar, Yemmiganur Town, Kurnool District, without following due process of law and in case, the 2nd respondent intends to acquire the land, to pay adequate compensation. It is also made clear that if the structures of the temples are to be affected in the road widening, the 2nd respondent shall negotiate with the temple authorities. In the event, the temple authorities did not find it profitable to accept the TDR Certificates, the adequate compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013, shall be paid.”

In spite of the said direction, the respondent authorities have issued the impugned notice, giving only three days time, directing the petitioner to remove the shops and there is no offer by the respondent authorities either for compensation or at least ascertainment of the area that is likely to be affected. In the circumstances, the petitioner prays for a writ of mandamus.

Learned Standing Counsel submits that pursuant to the orders of this Court, the impugned notice has been issued to the petitioner invoking Sections 192 and 193 of the Andhra Pradesh Municipalities Act, 1965 (in short “the Act”). Instead of giving

response to the said notice, the petitioner rushed to this Court. However, the learned standing counsel fairly submits that as only three days time has been given, if the Court feels it as unjust, the Court may grant further time.

Having considered the respective submissions, as the notice has been given to the petitioner granting three days time to remove the shops, interest of justice would be served if 10 days time is granted from today to enable the petitioner to submit its application, including the documents / material, to satisfy the respondent authorities that it has right and title over the property, which is sought to be acquired. The 2nd respondent shall consider the same and in the event of the respondent authorities finding that the petitioner has right and title over the property, it is always open for the petitioner as well as to the respondent to initiate negotiations for settlement. In the event the parties have not arrived at settlement in the negotiations with respect to compensation amount, the respondent authorities shall be at liberty to initiate proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act, 2013 or under any other law.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Date:13.04.2017.
Ssv