

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.22260 of 2017

ORDER:

The case of the petitioner is that his father by name Dr.P.Jagannath Rao had purchased land to an extent of 1000 square yards in Mukarampura locality in the year 1971 and after obtaining permission, he constructed a commercial complex and after his death, the petitioner has acquired the same in the partition and he has been paying taxes. The petitioner received notice on 24-01-2015 from the 2nd respondent in respect of road widening programme for extending the road width to 80 feet and calling for objections for the same. The petitioner aggrieved by the same filed WP.No.10396 of 2015 and this Court was pleased to grant interim stay and the same was extended from time to time. In spite of the same, the 2nd respondent again issued notice No.G2/38/TPS/KMC/2015, dated 23-06-2017 stating that subject property has to be handed over within seven days and benefits under G.O.Ms.No.168 MA & U, dated 07-04-2012 would be extended, in case the petitioner hands over the property. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner says that the petitioner has not encroached any land and without paying compensation and without following procedure envisaged under law, the respondent-authorities are trying to demolish the structure of the petitioner.

On the other hand, Sri V.Satyam Reddy, learned Standing Counsel for the 2nd respondent-Corporation submits that since there is a road widening programme, impugned notice was issued to the petitioner.

It is to be seen that the petitioner filed WP.No.10396 of 2015 and this Court was pleased to grant interim stay of demolition. Impugned notice is issued only asking willingness of the petitioner to handover the land and if the petitioner is not willing, it goes without saying the respondents have to follow due procedure for taking over the property for laying of the road.

In view of the same, the writ petition is disposed of directing the respondent-authorities not to evict the petitioner without following due process of law from the subject property. If the petitioner is willing to handover the property, this order will not preclude the respondent-authorities from negotiating with the petitioner for acquiring the same.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-07-2017

Nvl



