

THE HON'BLE SRI JUSTICE A.V. SESA SAI

W.P.No.11041 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a writ of mandamus or any other appropriate writ or direction declaring the resolution No. 459 dated 18.4.2015 passed by the 3rd respondent in proposing to give concession by way of Transferable Development Right (TDR) as per A.P. Building Rules 2012 to the land owners without paying compensation to the affected families as illegal arbitrary and contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and consequently set aside the same and also direct the 3rd respondent to pay compensation to the land owners and provide rehabilitation and resettlement to the affected families other than the land owners as per the provisions of the Act 2013”.

2. Today, when the matter is taken up, it is submitted by the learned counsel for the petitioners that the petitioners are the absolute owners of the properties mentioned in the cause title of the writ petition situated at Phoolbagh Road, Vizianagaram. The only grievance of the petitioners is that the Respondent Municipality has resorted to the high-handed action of widening the roads through the properties of the petitioners, without recourse to law.

3. On the other hand, it is represented by the learned Standing Counsel appearing for the Respondent Municipality that if the petitioners are not agreeable for the Transferable Development Right (TDR) Scheme, the Respondent Municipality will follow due process of law for acquisition of property.

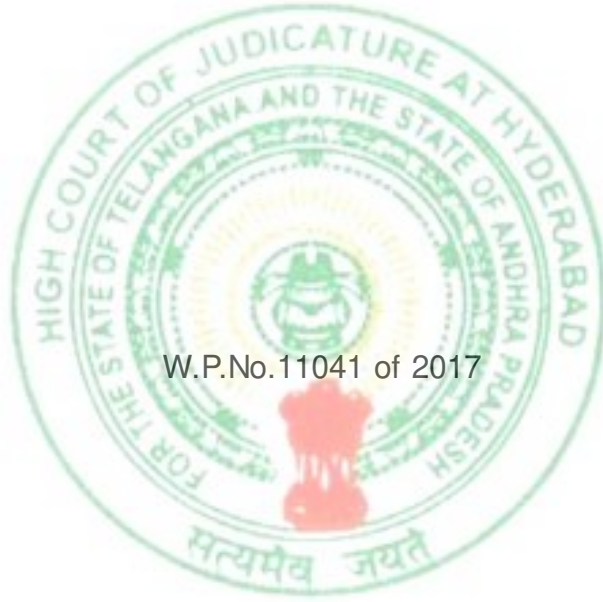
4. Recording the said submission, this writ petition is disposed, keeping it open to the Respondents herein to follow due process of law for the purpose of acquiring the properties of the petitioners, if they are advised to do so. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

Date: 27.3.2017
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