

HE HON'BLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.10950, 18927, 19423, 20093, 18976,
22217, 22225, 22235, 22239, 22240, 22242, 22254, 22740,
22859, 23539, 23562, 23579, 23582, 23584, 23586, 23612,
23700, 23709, 24999 & 25337 OF 2016**

DATED : 05.10.2017

W.P.No.10950 of 2016 :

Between :

Naraharisetty Hanumantha Rao,
S/o.Late Seetharamaiah, Aged about 54 yrs,
Hindu, Occu : Welding Works,
R/o.D.No.1-4-29, Vidyadharapuram,
RTC Work Shop Road,
Vijayawada, Krishna District & another.

..

Petitioners

And

The State of Andhra Pradesh,
rep., by its Secretary,
Municipal Administration & Urban Development Department,
Secretariat, Hyderabad & others.

..

Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

**WRIT PETITION Nos.10950, 18927, 19423, 20093, 18976,
22217, 22225, 22235, 22239, 22240, 22242, 22254, 22740,
22859, 23539, 23562, 23579, 23582, 23584, 23586, 23612,
23700, 23709, 24999 & 25337 OF 2016**

COMMON ORDER :

In some of the writ petitions, petitioners are aggrieved by the notice directing the petitioners to express their willingness to avail the benefit as per G.O.Ms.No.168 Municipal Administration dated 07.04.2012 for widening of the road. In some of the writ petitions even no such notice was issued, but they were orally asked to accept the terms and to evict the premises. According to the petitioners the terms of G.O.Ms.No.168 are not acceptable to them and therefore, petitioners could not have been compelled to accept the terms and they could not have been given very short notice to accept the terms and force them to evict from the subject properties. Even the Wakf Board is contesting against compelling to accept terms of surrendering Wakf properties for road widening.

2. When the matters are taken up for hearing, learned counsel representing the petitioners respectively as well as learned Assistant Government Pleader, agree that the subject matter of the writ petitions is covered by the decision of this Court in W.P.No.16899 of 2016 & batch dated 01.09.2017.

3. The relevant portion of the order reads as under :

“This Court is of the view that the Vijayawada Municipal Corporation is taking steps to negotiate with the stake holders firstly to cooperate for road widening and also inviting them for negotiations. Therefore, in the matter of road widening, it is for the parties to respond. If they are not inclined to accept the offers given either under G.O.Ms.No.168 or 119, it is

needless to emphasis that the Vijayawada Municipal Corporation is required to follow the procedure prescribed by law for demolishing or dispossessing the occupants. In case of assigned plots, liberty is given to respondents to negotiate for allotment of plot/accommodation to assignees and subject to such settlement between assignees and the Corporation road widening is taken up by Corporation.”

4. However, learned counsel point out that in the extracted portion of the above order, G.O.Ms.No.168 is also mentioned, whereas, G.O.Ms.No.168 was issued before the bifurcation of the State and in supercession, G.O.Ms.No.119 MA & UD (M) Department, dated 28.03.2017 was issued, which is only relevant.

5. Having regard to the above submissions, the following order is passed:

This Court is of the view that the Vijayawada Municipal Corporation is taking steps to negotiate with the stake holders firstly to cooperate for road widening and also inviting them for negotiations. It is for the parties to respond on such proposals/negotiations. If they are not inclined to accept the offers originally given under G.O.Ms.No.168 Municipal Administration dated 07.04.2012, which is now superceded by G.O.Ms.No.119 MA & UD (M) Department, dated 28.03.2017, it is needless to emphasis that the Vijayawada Municipal Corporation is required to follow the procedure prescribed by law to acquire private properties/wakf properties for public purpose. In case of assigned plots, liberty is given to respondents to negotiate for allotment of plot/accommodation to assignees and subject to such settlement between assignees and the Corporation road widening may be taken up by Corporation.

6. With the above observations, the Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

5th October, 2017
Rds

P.NAVEEN RAO,J

