

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.19123 of 2016

ORDER:

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

‘....to issue a Writ of Mandamus or any other appropriate writ, order or direction, declaring the action of the respondents 2 and 3 herein in demolishing and dispossessing of the petitioners from the residential house bearing No.9-3-117 constructed in the land admeasuring 300 sq. yards, belonging to the 1st petitioner herein and the residential House bearing No.9-3-39 constructed in the land admeasuring 120 sq. yards belonging to the petitioners 2 and 3 herein, situated at Kothapet, Brahmin Street, Vijayawada, Krishna District, as illegal, arbitrary, unreasonable and violative of Articles 14 and 300-A of the Constitution of India and consequently direct the respondents 2 and 3 herein not to interfere and dispossess the petitioners from their peaceful possession and enjoyment of the above said houses and pass such other order or orders as the Hon'ble Court may deem it fit and proper in the facts and circumstances of the case.’

(Reproduced verbatim)

2. I have heard the submissions of *Sri P.Durga Prasad*, learned counsel appearing for the petitioners; learned Government Pleader for Municipal Administration and Urban Development representing the 1st respondent; and, of *Sri T.S Venkata Ramana*, learned Standing Counsel representing respondents 2 & 3.

3. Learned counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondents 2 and 3 are in agreement that the issue involved in the present writ petition is squarely covered by the decision of this Court, dated 17.11.2017, in W.P.no.38748 of 2017. He placed on record a copy of the order, dated 17.11.2017 in the afore-stated writ petition. It is also

submitted that this Court passed orders, dated 28.11.2017, in W.P.no.39978 of 2017 following the orders in the afore-stated writ petition.

4. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the subject property of the petitioner, except by following the procedure established by law and, if necessary, without acquiring the property of the petitioner to the required extent by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (Act no.30 of 2013). This order shall not preclude the petitioner from participating in negotiations, if so desires and if so advised, in view of the terms of the G.O.Ms.no.119.

The Registry is directed to annex a copy of the order, dated 17.11.2017, in W.P.no.38748 of 2017 to this order.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

21.12.2017
RAR

M. SEETHARAMA MURTI, J