

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1070 OF 2017

DATED : 05.01.2017

Between :

Gunta Santa Rao S/o.G.Tavitayya,
Aged about 59 yrs, R/o.7-5-92, Pandurangapuram,
Visakhapatnam & others.

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Petitioners

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
M.A& U.D,
Secretariat, Velagapudi,
Amaravathi, Guntur & others.

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Respondents



This court made the following :

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ORDER :

Heard. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

2. The averments in the affidavit filed in support of the writ petition and the facts on record would disclose that the first petitioner is owner of land to an extent of Ac.0.25 cents in Sy.No.89/12 & 89/13, second petitioner is the owner of land to an extent of Ac.0.44 cents in Sy.No.89/10, third petitioner is the owner of land to an extent of Ac.0.25 cents in Sy.No.89/11, 2, 13, fourth petitioner is the owner of land to an extent of Ac.0.06 cents in Sy.No.88/16B, and fifth petitioner is the owner of land to an extent of Ac.0.30 cents in Sy.No.89/9 of Kommadi village, which comes within the jurisdiction of Greater Visakhapatnam Municipal Corporation.

3. In this writ petition petitioners allege that the Visakhapatnam Urban Development Authority has taken up the work of laying road going through the properties of the petitioners and such exercise was undertaken without following the due process. There was no acquisition of land belonging to the petitioners to undertake the road formation and therefore, it is ex-facie illegal.

4. When the matter is taken up, learned Standing counsel, on instructions, submits that the authority is taking the exercise of formation of road on the subject place and according to learned Standing counsel some of the land owners have consented to

surrender their lands subject to grant of TDR. Since some of the land owners have consented, the work of formation of road is taken up.

5. Admittedly, no such consent was given by the petitioners and land acquisition proceedings are not followed. Therefore, the land of the petitioners cannot be utilized for formation of road without following the due process, as required by law.

6. Having regard to the above, the Writ Petition is disposed of, directing the 2nd respondent authority to follow the due process as required by law, before utilizing the land of the petitioners for any public purpose including formation of road. Petitioners can be dispossessed from their lands only after following the due process. However, it is also open to the 2nd respondent to negotiate with the petitioners and if petitioners agree for any settlement they can enter into such settlement and on receipt of consideration or any other mode of settlement, it is open to the 2nd respondent to proceed with laying of road. There shall be no order as to costs.

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

5th January, 2017
Rds

P.NAVEEN RAO,J