

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.33122 OF 2016

ORDER:

Heard Mr.Ravi Shankar Jandhyala for petitioners and Mr.T.S.Venkataramana for respondents.

The petitioners pray for Mandamus declaring the action of 2nd respondent in taking steps to demolish the structures of petitioners at D.Nos.40-5/7-16A, 40-5/7-25, 40-5/7-17, 40-5/7-7, 40-1-51, 40-5/7-21 of Isreal Peta and D.No.40-5/7-8 of Labbipet, Vijayawada-10, Krishna District, without following the procedure contemplated under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, as illegal and unconstitutional.

The petitioners refer to notice dated -10-2015 and contend that the 2nd respondent though has initiated steps for negotiation with the land owners of the houses affected in the road widening, still the petitioners felt imminent threat from the manner in which the 2nd respondent was acting, that firstly by referring to this notice, the structures in existence in the petition door numbers are going to be demolished and respondent No.2 may not follow the procedure stipulated by law.

This Court granted interim order on 27.09.2016. The interim order is subsisting. The 2nd respondent filed petition to vacate the interim order dated 27.09.2016. The 2nd respondent referred to the totality of circumstances prevailing in the locality, the implementation of master plan by 2nd respondent and the procedure followed in the case on hand while seeking cooperation

of petitioners for road widening. The 2nd respondent does not also dispute that the widening is undertaken by demolishing the existing structures, however, by following firstly the Government Orders issued from time to time and/or in accordance with law.

The issue centres round a small area. The petitioners complain that the structures at petition property shall not be disturbed, if warranted in accordance with law. After perusing the stand taken by respondents in the counter affidavit and also the notice issued by Corporation, this Court is of the view that the 2nd respondent is taking steps to negotiate that all the stake holders firstly to cooperate for road widening and inviting them for negotiations. It is for the parties to respond and if otherwise they are not inclined to accept the offers given either under G.O.Ms.No.168 or 119, the 2nd respondent is required to follow the procedure prescribed by law.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, stand closed.

S.V.BHATT, J

29th August, 2017

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