

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION Nos.16899, 16900, 25180, 28799, 1069, 10014, 12336, 16142, 17116, 18845, 19603, 19605, 28654, 17117, 20078 & 16894 of 2016, 19924 & 160 of 2015 and 5148 of 2017

COMMON ORDER:

Heard Mr.Kiran Tirumalasetti, Mr.Subhani S.M., Mr.Narasimha Rao Gudiseva, Mr.P.Rajasekhar, Mr.Srinivasa Rao Bodduluri, Mr.Rama Mohan Palanki, Mr.G.L.Nageswar Rao and Namavarapu Chanti Babu for petitioners and learned Government Pleaders for Municipal Administration and Revenue, Mr.T.S.Venkataramana, Mr.M.R.Mohammad Irfan and Mr.R.Sudheer for respondents.

2. The petitioners pray for Mandamus declaring the action of Vijayawada Municipal Corporation, represented by its Commissioner, in taking steps to demolish the structures of petitioners' subject matter, without following the procedure contemplated under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, as illegal and unconstitutional.

3. The petitioners refer to notices and contend that the Vijayawada Municipal Corporation 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 Vijayawada Municipal Corporation was acting, that firstly by

referring to the notices that structures in existence in the petition door numbers are demolished and that Vijayawada Municipal Corporation may not follow the procedure stipulated by law.

4. This Court granted interim order in all writ petitions, except in W.P.No.1069 of 2016, and the same is subsisting. The Vijayawada Municipal Corporation referred to the totality of circumstances prevailing in the locality, the implementation of master plan by it and the procedure followed in the cases on hand while seeking cooperation of petitioners for road widening. The Vijayawada Municipal Corporation 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.

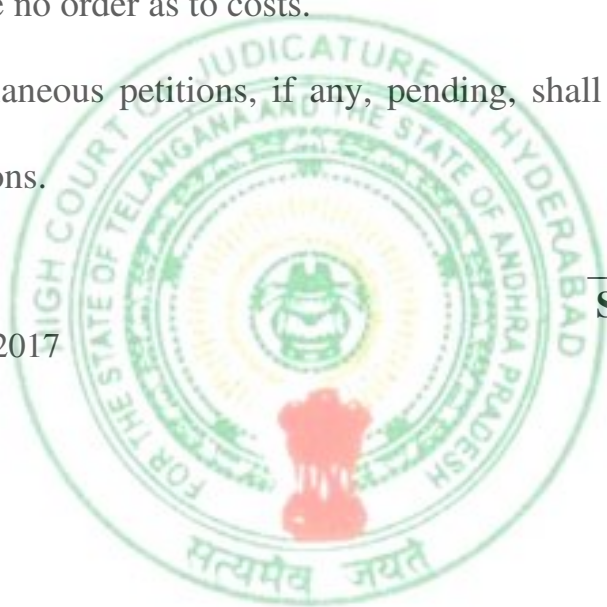
5. The issue centres round a small area. The petitioners complain that the structures at petition property shall not be disturbed, if warranted for road widening except in accordance with law. After perusing the stand taken by respondents in the counter affidavits and also the notice issued by Corporation, this Court is of the view that the Vijaywada 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.

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

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

1st September 2017
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S. V. BHATT, J