

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37965 of 2017

ORDER:

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

“to issue a writ, order or direction more so, a writ in the nature of mandamus, by declaring the action of the 2nd Respondent in trying to make construction of the shopping complex at Ward No.2, Block No.9 at Kotha Kakinada in L.P.No.104/1990 and also to make construction of the petitioners property also as without acquiring or giving notice or following the procedure for acquiring the land for the purpose of the said construction at the place marked for future expansion of the road as arbitrary, illegal, high handed and violative of principles of natural justice and consequentially to direct the Respondents not to occupy the land belonging the petitioner without following the procedure.”

(Reproduced Verbatim)

2. I have heard the submissions of Sri *G.Vasantha Rayudu*, learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development; and of Sri *A.Panduranga Rao*, learned Standing Counsel for 2nd respondent. I have perused the material record.

3. The case of the petitioners, in brief, is thus:

The petitioners are granted pattas for Ac.0.02 cents of land each in L.P.No.8/1988 in Ward No.2, Block No.9, Kakinada Municipal Corporation, in the year 1992; that when the property layout was prepared, some portion was left for proposed widening of the road into 80 feet; and that the 2nd respondent municipality

is now proposing to make construction of a shopping complex in that portion, which is left for widening of the road, by proposing to demolish portions of the houses of the petitioners, without following the procedure established by law and, therefore, the petitioners are constrained to file the writ petition.

4. At the hearing, learned counsel for the petitioners submits that if a direction is given to the 2nd respondent to follow the procedure established by law before taking any coercive action in respect of the property of the petitioners as well as the place left for proposed road, the grievance of the petitioners would be redressed.

5. Learned Standing Counsel appearing for the 2nd respondent would submit that the 2nd respondent would follow the procedure established by law before taking any action in the matter.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent not to interfere with the subject house property of the petitioners as well as the area left out as per the layout plan for the purpose of widening of the road into 80 feet, except by following the procedure established by law.

As a sequel, miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M.SEETHARAMA MURTI, J

NOVEMBER 14, 2017

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Date: 14.11.2017