

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.38748 of 2017

ORDER:

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

“For the reasons disclosed in the accompanying Affidavit, it is prayed that this Hon’ble High Court may be pleased to issue Writ, order or Direction(s) more particularly one in the nature of Writ of Mandamus declaring that the action of the 2nd Respondent in taking steps to demolish the structures of the Petitioners situated at D. Nos. 40-5/7-23, 40-5/7-22, 40-5/7-1 situated at Isrealpeta, Vijayawad-10, Krishna District without following the procedure contemplated under the provisions of Greater Hyderabad Municipal Corporation Act, 1955 as illegal, arbitrary and violative of Article 21 of the Constitution of India and consequently direct the 2nd Respondent to follow the procedure contemplated under the provisions of Greater Hyderabad Municipal Corporation Act, 1955 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case and in the interest of Justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *P.R. Prasad*, learned counsel appearing for the petitioners, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and of Sri *T.S. Venkata Ramana*, learned Standing Counsel appearing for the 2nd respondent. I have perused the material record.

3. Learned Senior Counsel appearing for the petitioners submits as follows: The petitioners are aggrieved by the action of the respondents in threatening to demolish the existing structures of the petitioners without following the procedure contemplated under the provisions of law. The extent of land of each petitioner is approximately 30 square yards and that if about 10 square yards is

taken away for road widening, no property for reconstructing the house and inhabiting would be available. Earlier, there was an attempt for negotiations. The petitioners attended the negotiations; but, did not agree for any negotiated settlement. The respondents cannot dispossess the petitioners and demolish their properties for road widening without following the procedure established by law.'

4. Learned Standing Counsel appearing for the 2nd respondent would submit that even if the first round of negotiations failed, in view of the new G.O.Ms.No.119, which is in place, the petitioners can as well come for negotiations once again and settle the matter amicably as per the terms of the said G.O. However, learned counsel for the petitioner submits that since the sites of the petitioners are of small extents, there is no possibility for negotiated settlement and, hence, the petitioners are unwilling to participate in any further negotiations.

5. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the properties of the petitioners, except by following the procedure established by law and if necessary, without acquiring the properties of the petitioners to the required extent by following the provisions of Act 30 of 2013.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 17th November, 2017

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