

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38297 of 2017

ORDER:

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

'...to issue an appropriate order or direction more particularly in the nature of writ of mandamus declare the action of the respondents in laying road in the petitioner building situated at Door No.59A-21/7-17/A, R.S.No.162/3, R.R.Gardens, Auto Nagar, Vijayawada, Krishna District without initiating any land acquisition proceedings and without following the procedure contemplated under the statute, as being illegal, arbitrary, unjust, unconstitutional and in violative of Article 21 of the Constitution of India and to pass such other order or orders that the Honourable Court may deem fit and proper in the interest of justice.'

2. The case of the petitioner is this: 'She is the owner and possessor of the house bearing Door No.59A-21/7-17/A in R.S.No.162/3, R.R. Gardens, Auto Nagar, Vijayawada, Krishna District, having purchased the same under a registered sale deed, dated 03.08.1994, and that in the year 2013, she wanted to develop the said property, and accordingly got regularized it by the then Vijayawada Guntur Tenali Mangalagiri Urban Development authority *vide* proceedings, dated 03.06.2013, and that she is in continuous possession and enjoyment of the said property. While so, on 10.11.2017, the respondent authorities came to the subject property and started laying marks on the property and that when the petitioner questioned the same, the respondent authorities replied stating that they were widening the existing 80 feet road. Further, while making the said markings, they highhandedly made an attempt to demolish the subject property and therefore, the writ petition is filed.'

3. Smt. G. Jhansi, learned Standing Counsel appearing for the second respondent – Municipal Corporation, would submit that the Corporation

has taken up road widening and road restoring works in the entire Corporation and that such road works are being undertaken with the consent of the owners of the properties.

4. At the hearing, learned counsel for both sides submitted that this Court disposed of writ petitions of identical nature and placed on record a common order, dated 12.10.2017, in W.P.No.1319 of 2016 and batch and made a request to dispose of this writ petition in terms of the said order.

5. Having regard to the submissions, and for the reasons alike as were mentioned in the aforesaid common order, dated 12.10.2017, this writ petition is disposed of in terms thereof. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

6. Registry is directed to enclose a copy of the common order, dated 12.10.2017, in W.P.No.1319 of 2016 and batch, to this order.

Date: 15.11.2017
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M. SEETHARAMA MURTI, J