

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38919 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 a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to widen the existing Dammennu Lankala Koderu road on the west of the Petitioner's House bearing No.8-5-10 consisting of ground plus one upper floor with a total built up area of 1631 Sq. Ft in site admeasuring 200 Sq. yds situated in Kakarla Vari Street, Ward No.4, Block-16, Tanuku, West Godavari District, Andhra Pradesh, to an extent of 40 feet without following the procedure established under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 R/w Section 174 of the Andhra Pradesh Municipalities Act, 1965 as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and the Petitioner's fundamental/constitutional rights guaranteed under Articles 14, 21 and 300-A of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

3. The grievance of the writ petitioner is that pursuant to a resolution passed for widening of the existing Dammennu Lankala Koderu road on the west of the petitioner's house to an extent of 40 feet, the Municipality is contemplating to take up the road widening activity without invoking the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

4. At the hearing, learned counsel for the petitioner would submit that if the Municipality is directed to follow the procedure established by law, the grievance of the petitioner would be redressed.

5. Learned Standing Counsel appearing for the 2nd respondent having taken notice, submits that the Municipality would follow the procedure contemplated under law before taking any road widening activity near the house of the petitioner.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent not to interfere with or demolish the subject house of the petitioner without following the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

17th November, 2017
RAR

M. SEETHARAMA MURTI, J