

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37415 of 2017

ORDER:

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

“to declare the highhanded action on the part of the respondents 1 to 4 in trying to lay the Municipal road in the private property belongs to petitioner's property situated in 12th Ward, Palakol Municipality an extent of Ac.0-55 cts in R.S.No.1853/ n T.S.No.667/3 and T.S.No.185/4 in T.S.No.661/4 and other plot owners without acquiring or following due process of law which is in violation of the A.P. Municipalities Act and Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the fundamental rights guaranteed by the Constitution of India and in violation of Articles 14, 19 and 21 and 300-A of the Constitution of India in the interest of justice.”

[Reproduced verbatim]

2. I have heard the submissions of Sri S.V.V.S.V. Prasad, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondents 1 to 3 and of Sri N. Venkateswarlu, learned Standing Counsel appearing for the 4th respondent municipality. Perused the material record.

3. The case of the petitioner is that an extent of Ac. 0.55 cents in R.S.No.1853/n T.S.No.667/3 and T.S.No.185/4 in T.S.No.661/4, situated in Palakol, West Godavari District, is the private property of the petitioner and that in that property, the petitioner formed a private joint lane of 9 feet width from North to South for access to the Eastern side and Western side plot owners and that in that private

property, the 4th respondent Municipality is now trying to lay a public road without following the procedure established by law and even without initiating any proceedings for acquisition of the property. The further case of the petitioner is that the 4th respondent Municipality is intending to do so to provide access to the owners of the property on the Southern side of the said private joint lane formed for the exclusive use of the petitioner and other plot owners on the Eastern and Western sides.

4. Learned Standing Counsel, on instructions, would submit that the 4th respondent Municipality would follow the procedure established by law, if laying any road in the subject property is necessary.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the 4th respondent Municipality not to interfere with the subject property of the petitioner, in any manner, and not to lay any road in the said property, except by following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 15th November, 2017

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