

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.39475 of 2017

JUDGMENT:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in threatening to dispossess the petitioner from his property bearing House No.39-10-14, Labbipet, Vijayawada, Krishna District, for the purpose of road widening without following due procedure under the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Municipal Administration and Urban Development.

3. At the time of hearing, it is submitted by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the order of this Court in W.P.No.33122 of 2016, dated 29.08.2017, which was also followed in W.P.No.30020 of 2017. A copy of the said order is also placed on record. The operative portion of the said order reads as under:

“The issue centres round a small area. The petitioners complain that the structures at petition property shall not be disturbed, if warranted in accordance with law. After perusing the stand taken

by respondents in the counter affidavit and also the notice issued by Corporation, this Court is of the view that the 2nd respondent is taking steps to negotiate that all the stake holders firstly to cooperate for road widening and inviting them for negotiations. It is for the parties to respond and if otherwise they are not inclined to accept the offers given either under G.O.Ms.No.168 or 119, the 2nd respondent is required to follow the procedure prescribed by law.”

4. Following the above said order and for the reasons stated therein, this writ petition is also disposed of in terms thereof. No order as to costs. Miscellaneous petitions, if any, shall also stand closed.

23rd November, 2017.
Rns

T.SUNIL CHOWDARY, J

