

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39978 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble 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 Petitioner situated at D. No. 45-7-11A, situated at Thentu Gouraiah Street, Vijayawad-10, Krishna District without following due process of law by invoking the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act No.30, 2013 and Section 147 of the Greater Hyderabad Municipal Corporation Act, else the action will be illegal and in violation of Article 21 of Constitution of India R/w. Article 300-A of the Constitution of India and consequentially direct the Respondents herein to follow the procedure contemplated under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act No.30, 2013 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 petitioner, 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 counsel appearing for the petitioner would submit that the issue involved in the present writ petition is squarely covered by the decision rendered by this Court in W.P.No.38748 of 2017. He placed on record a copy of the order, dated 17.11.2017, in the afore-stated writ petition.

4. Learned Standing Counsel appearing for the 2nd respondent while endorsing the said submission would submit that in the earlier writ petition, the lands of the petitioners therein are of an extent of 30 square yards each and, therefore, there was no possibility for negotiations in the said case, but in the case on hand, the extent of the property of the petitioner is about 180 square yards and, therefore, there is a possibility for negotiations in view of the terms of new G.O.Ms.No.119, which is in place.

5. However, learned counsel appearing for the petitioner, in reply, would submit that the petitioner is not willing for negotiations.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the subject property of the petitioner, except by following the procedure established by law and, if necessary, without acquiring the property of the petitioner to the required extent by following the provisions of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act No.30, 2013. This order shall not preclude the petitioner from participating in negotiations, if so desires and if so advised, in view of the terms of the G.O.Ms.No.119.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 28th November, 2017

KL

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.39978 of 2017

Date: 28th November, 2017

KL