

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.41329 of 2017

ORDER:

This writ petition is filed seeking directions by way of Mandamus to declare the action of the 2nd respondent Corporation in seeking to widen 33 feet road into 100 feet road affecting the land of the petitioner in Sy.No.611/1 of Kallur village and Mandal, Kurnool District, as illegal and arbitrary.

Learned counsel for the petitioner would submit that earlier W.P.No.16333 of 2002 was filed by persons in occupation of house sites in Sy.No.611 of Kallur village with the same grievance and that this Court by orders, dated 03.07.2009, disposed of the said writ petition and that the facts and the issue involved in the present writ petition is squarely covered by the above said orders in the afore-stated writ petition and hence this writ petition may also be disposed of in terms thereof.

Learned standing counsel representing the 2nd respondent Corporation submits that this writ petition may be disposed of directing the Corporation to follow the procedure established by law.

Recording the afore-stated submissions and for the reasons alike as were mentioned in the order, dated 03.07.2009, of this Court in W.P.No.16333 of 2002, the Writ Petition is disposed of directing the 2nd respondent Corporation that if the subject land of the petitioner is required to be affected in the proposed widening of the road from 33 feet to 100 feet as per the master plan, the same shall be implemented by only acquiring the land to the extent required

as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

12.12.2017
Vjl

