

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.42489 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘.. to issue a writ of mandamus or any other appropriate writ or direction declaring the resolution No.155 dated 28.10.2017 passed by the 3rd respondent in proposing to give concession by way of Transferable Development Right (TDR) as per A.P. Building Rules 2012 to the land owners without paying compensation to the affected families as illegal arbitrary and contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and consequently set aside the same and also direct the 3rd respondent to pay compensation to the land owners and provide rehabilitation and resettlement to the affected families as per the provisions of the Act 2013 and pass such other or further orders...’

At the hearing, though, in principal, learned counsel for the petitioners, learned Government Pleader for Roads & Buildings representing the respondents 1 & 4, and the learned standing counsel representing the 3rd respondent municipality are in agreement that the issue involved in the present writ petition is squarely covered by the order, dated 04.08.2015, of this Court in W.P.Nos.11046 and 24063 of 2015, yet the learned Government Pleader and learned Standing Counsel would point out that the petitioners have not furnished the details of their properties like door numbers either in the cause title or in the prayer mentioned in the writ petition.

However, learned counsel for the petitioners brings to the notice of the Court that the details of door numbers, ward numbers and the name of the

street and the locality of the houses of the petitioners are mentioned in annexure at page no.14 of the material papers.

The said details are as under:

Sl.No.	Name of the petitioner	Door No.	Ward No.	TS No.	Assessment No.	Address
1	G. Ramakrishna	16-7-8	16	409/2	1093018879	Sharaf Khana vari veedhi, Gurajada Appa Rao Road, Vizianagaram
2	G. Sobha Rani	16-7-8	16	409/2	1093018879	
3	G. Ramalingam	16-7-8	16	409/2	1093018879	
4	Ravva Venkateswara Rao	17-3-14	17	389	1093000085	
5	Pentapati Padmavathi	17-3-13/3	17	387	1093000783	
6	Saripilli Babu Rao	17-3-6	17	500	1093000797	
7	G. Nageswara Rao	17-3-12	17	386	1093000778	
8	Borra Ravi Kumar	17-3-5	17	501	1093000795	
9	V. Narayana Rao	17-2-32	17		1093000755	

Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated order of this Court in the above said writ petition, this writ petition is also disposed of with the following observations:

‘If the petitioners are willing for negotiations and only after such negotiations are concluded appropriate steps shall be taken for widening of the road; otherwise, it is mandatory for the third respondent municipality to follow the due process of acquisition, as mandated by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, of private properties for public purpose; without following the due process, the subject properties mentioned above of the petitioners shall not be taken by the 3rd respondent municipality or any other authority for the purpose of widening of the subject road.’

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

13.12.2017

Vjl

