

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.42705 of 2017

ORDER:

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

‘...to issue a writ, order or direction more particularly one in the nature of **WRIT OF MANDAMUS** declaring the action of 2nd respondent in marking a portion of petitioners’ RCC residential building bearing Door No.9-49, vide Assessment No.1133001389, situated in Ward No.11, Main Road, Rajam Town, Srikakulam District within the limits of 2nd respondent Nagara Panchayat, for the purpose of road widening from Ambedkar Junction to Bobbili Junction, which passes from Srikakulam Road to Palakonda Road, without acquiring the requisite portion of site and structures by following due procedure established by law, as illegal, irregular, irrational, violative of provisions of Andhra Pradesh Municipalities Act, 1965 and rules framed thereunder and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 2nd respondent not to demolish any portion of petitioners said residential building and also not to interfere in peaceful possession over said property in any manner, without following due procedure established by law and to pass such other order or orders...’

I have heard the submissions of the learned counsel for the petitioners and of the learned standing counsel representing the 2nd respondent. I have perused the material record.

In the writ petition, the complaint of the petitioners is against the action of the 2nd respondent in making markings on the subject properties of the petitioners for the purpose of road widening and threatening to demolish the portions marked without acquiring the requisite portions from the lands and structures of the petitioners by following the procedure established by law.

At the hearing, learned counsel for the petitioner would submit that if the 2nd respondent is directed to follow the procedure established by law before taking any action affecting the properties of the petitioners, the ends of justice would be met.

Learned standing counsel representing the 2nd respondent endorses the said submission.

Recording the afore-stated submissions, the Writ Petition is disposed of directing the 2nd respondent authority not to demolish the subject properties or any part thereof of the petitioners except by following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

14.12.2017

Note: Issue CC by 18.12.2017

(B/o)

Vjl

