

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40661 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, therefore, prayed that this Hon’ble Court may be pleased to issue, a writ of Mandamus, declaring the action of the respondents in seeking to acquire land and structures covered in D.No.18/425, situated Rangaiahgari Choultry Street, Proddatur, Y.S.R. Kadapa District, for the purpose of widening of road from 30 feet to 60 feet without initiating proceedings under land Acquisition Act, without paying compensation, as illegal, improper, unjust, arbitrary, and violative of Article 300-A of the Constitution of India and consequently direct the respondents not to acquire the lands and structure of the Petitioner covered by premises bearing D.No.18/425, situated Rangaiahgari Choultry Street, Proddatur, Kadapa District without paying the compensation and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Mahadeva Kanthrigala*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, Sri *M.D. Saleem*, learned Standing Counsel appearing for the 2nd respondent, and of the learned Government Pleader for Revenue appearing for the respondents 3 to 5. I have perused the material record.

3. At the time of hearing, learned counsel appearing for the petitioner would submit that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 27.07.2017, in W.P.No.24819 of 2017. He placed on record a copy of the order of this Court in the afore-stated writ petition.

4. Sri *M.D. Saleem*, learned Standing Counsel appearing for the 2nd respondent endorses the said submissions.

5. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition, this Writ Petition is disposed of in terms thereof directing the respondents to follow the due process of law, in the event the petitioner's land is required to be acquired for public purpose and accordingly pay appropriate compensation to the petitioner.

Office is directed to enclose a copy of the order, dated 27.07.2017, passed in W.P.No.24819 of 2017, to this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 4th December, 2017

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120

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