

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.293 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon’ble High Court may be pleased to issue a writ, order or a direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioner from his private patta land admeasuring 265.77 square yards in Sy.No.210/2 part, Madhurawada Village, Visakhapatnam Rural Mandal, Visakhapatnam District, without following due process of law and without paying any compensation by initiating proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013), as being illegal, arbitrary, unreasonable and violative of principles of natural justice and also violative of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioner without following due process of law and without paying the compensation as per the Act 30 of 2013 and pass such further order or other orders.”

2. I have heard the submissions of Sri *A.Giridhar Rao*, learned counsel appearing for the petitioner, the learned Government Pleader for Revenue appearing for the respondents 1 & 2, Sri *S.Lakshminarayana Reddy*, learned Standing Counsel for the Greater Visakhapatnam Municipal Corporation (GVMC) appearing for the 3rd respondent, and of Sri *P.Jagadishchandra Prasad*, learned Standing Counsel for the Visakhapatnam Urban Development Authority, appearing for the 4th respondent. I have perused the material record.

3. From the facts, submissions made and the contents of the material record, the following facts are discernible: 'The property of the petitioner in Survey No.210/2 Part, Madhurawada Village, Visakhapatnam is being affected to an extent of 22.214 square meters or 265.77 square yards on account of the widening of the 80 feet road from NH-5 to Bakkannapalem (Navodaya). In that regard, the Commissioner of the Corporation addressed a letter, dated 11.05.2016, to the Sub-Registrar, Madhurawada, Visakhapatnam, *inter alia* stating that the above stated affected extent is requested to be handed over to GVMC by way of Registered Deed for taking further action and lay the road in the said extent of site of the petitioner. In the said letter, a request is made to the Sub-Registrar to get the site registered to be handed over to the GVMC. The petitioner gave a reply, dated 15.06.2016, stating that the GVMC has not mentioned as to where it is providing alternative site to the petitioner, as stated to him earlier and that he is not interested in TDR.'

4. Nonetheless, at the hearing, learned counsel for the petitioner asserts that the petitioner is interested in receiving compensation for the affected portion of his property and he is not interested in TDR.

5. Learned Standing Counsel for GVMC appearing for the 3rd respondent, on instructions, would submit that after issuance of the letter, dated 15.06.2016, no further action is taken. He would further submit that if the petitioner is interested in seeking compensation, he must establish his title to the property. He would also submit that a direction may be given to the petitioner to

participate in a meeting for negotiated settlement for TDR, if he so desires.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with the subject property of the petitioner for the purpose of laying road, except by following the procedure established by law. It is made clear that if the petitioner so desires and so advised, the petitioner may participate in a meeting for negotiated settlement or in the alternative may choose for receiving compensation.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

Date: 3rd January, 2018

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183

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