

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.304 of 2018

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased 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 as per the provisions of the Act 2013 and pass such other or further orders as the Hon’ble Court feels deem fit and proper in the facts and circumstances of the case.”

2. I have heard the submissions of Sri *A.Jagannadha Rao*, learned counsel appearing for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, learned Government Pleader for Revenue appearing for the 2nd respondent, and of Sri *Nimmagadda Venkateswarlu*, learned Standing Counsel, appearing for the 3rd respondent Municipality. I have perused the material record.

3. At the hearing, learned counsel for the petitioners brings to the notice of this Court an order, dated 13.12.2017, of this Court in W.P.No.42489 of 2017 *inter alia* stating that the issue involved in

the present writ petition is squarely covered by the orders of this Court in the afore-stated writ petition.

4. Learned Standing Counsel appearing for the 3rd respondent Municipality submits that the Municipality would follow the procedure established by law.

5. Recording the submissions and following the orders of this Court in the afore-stated writ petition, this Writ Petition is 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 3rd 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.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

Date: 3rd January, 2018

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