

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.1106 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 Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declare the action of the respondents in laying road in at Door No. 55-1-11 of the petitioner building situated in R.S. No 163/3A Auto Nagar, Vijayawada, Krishna District, without initiating Land acquisition proceedings and without following the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal, arbitrary, unjust, unconstitutional and in violation of Article 21 of the Constitution of India, and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Gangisetty Rajeswara Rao*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Balaji Medimalli*, learned Standing Counsel, appearing for the 2nd respondent Municipal Corporation. I have perused the material record.

3. The case of the petitioner is that he is the absolute owner and possessor of the house bearing Door No.55-1-11, situated at Auto Nagar, Vijayawada, Krishna District, having purchased the same under registered Sale Deed, dated 09.05.2014, and that while so, on 10.11.2017, the respondent authorities came to the subject property and started laying marks on the property and that when

the petitioner questioned the same, the respondent authorities replied stating that they were widening the existing 80 feet road and that further, while marking the said markings, they highhandedly made an attempt to demolish the subject property of the petitioner and, therefore, the writ petition is filed.

4. Learned Standing Counsel appearing for the 2nd respondent Municipal Corporation submits that on mere apprehensions the writ petition is filed and that only marking on the subject property was done and that no coercive action was neither attempted nor purported to be taken.

5. At the hearing, learned counsel for both sides submitted that this Court disposed of writ petitions of identical nature.

6. Learned counsel for the petitioner placed on record a common order, dated 12.10.2017, in W.P.No.1319 of 2016 and batch and made a request to dispose of this writ petition in terms of the said order.

7. Having regard to the submissions and for the reasons alike as were mentioned in the afore-stated common order, dated 12.10.2017, this Writ Petition is disposed of in terms thereof.

Office is directed to enclose a copy of the common order, dated 12.10.2017, passed in W.P.No.1319 of 2016 and batch, to this order.

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

M.SEETHARAMA MURTI, J

Date: 5th January, 2018
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257

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