

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9410 of 2003

ORDER:

This writ petition is filed for a mandamus declaring the action of the respondents in trying to dispossess the petitioner from a portion of her land admeasuring Ac.1.00 in R.S.No.140/7 situated at Patmata, Vijayawada, Krishna District, without following due process of law, as arbitrary and illegal.

Respondent No.2 Corporation filed a counter-affidavit, in which, it specifically asserted that there is a master plan approved for formation of 80 feet road and that as and when such master plan is taken up for implementation, notices as contemplated under Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955, as applicable to Vijayawada Municipal Corporation, would be issued and necessary steps would be taken. It also asserted that the petitioner filed this writ petition anticipating the future action of the respondent Corporation i.e., without there being any cause of action.

Heard learned counsel for the parties and perused the record.

It may be noted that this Court vide order, dated 13.05.2003 issued interim direction to the respondents not to dispossess the petitioner without following due process of law. Even in the counter-affidavit filed by respondent No.2 Corporation, they assert that due process would be followed.

In those circumstances, the writ petition is disposed of, by making it clear that if at all the land of the petitioner is required for formation of 80 feet road or any other public purpose, the respondents are bound to follow the due process in terms of the Hyderabad Municipal Corporation Act, 1955, as applicable to Vijayawada Municipal Corporation.

Miscellaneous Petitions, if any pending, shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

26th JULY, 2018.

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