

WRIT PETITION No.5800 of 2018

ORDER:

This Writ Petition is filed seeking direction by way of Mandamus to declare the action of the respondents in seeking to widen 33 feet road into 100 feet road affecting the land of the petitioner in plot No.200 in Sy.No.611 (611-2B) of Kallur Village and Mandal, Kurnool District, as illegal and arbitrary.

2. Learned counsel for the petitioner would submit that earlier W.P.No.16333 of 2002 was filed by persons in occupation of house sites in Sy.No.611 of Kallur Village with the same grievance and that this Court, by order, dated 03.07.2009, disposed of the said writ petition and that the facts and the issue involved in the present writ petition is squarely covered by the above said order in the afore-stated writ petition and hence this writ petition may also be disposed of in terms thereof.

3. Sri S.D.Goud, learned Standing Counsel representing respondent Nos.3 and 4-Kurnool Municipal Corporation submits that this writ petition may be disposed of directing the Municipal Corporation to follow the procedure established by law.

4. Recording the afore-stated submissions and for the reasons alike as were mentioned in the order, dated 03.07.2009, of this Court in W.P.No.16333 of 2002, this Writ Petition is disposed of directing respondent No.3-Kurnool Municipal Corporation that if the subject land of the petitioner is required to be affected in the proposed widening of the road from 33 feet to 100 feet as per the

master plan, the same shall be implemented by only acquiring the land to the extent required as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5. Office is directed to enclose a copy of the order, dated 03.07.2009, passed in W.P.No.16333 of 2002 to this order.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

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JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.02.2018

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