

THE HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.35430 of 2016

ORDER:

The prayer sought for in this writ petition is as under :

“.... To issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent No.2 in laying the road in the petitioner’s scheduled property vide Plot bearing No.265 of Sy.No.264/1 an extent of Ac.8.57 cents out of that Ac.0.06 cents situated within the limits of Ananthapuramu Municipal Corporation, Ananthapuramu District, without issuing any notice or compensation is in violation of principles of natural justice and further not taking action on the petitioner’s representation dated 16.7.2016 is illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondent No.2 to allot alternative plot including compensation to the petitioner in lieu of formation of road in the petitioner’s plot bearing No.265 of Sy.No.264/1 an extent of Ac.8.57 cents out of that Ac.0.06 cents situated within the limits of Ananthapuramu Municipal Corporation, forthwith.”.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent No.2-Corporation.

The facts of the case are that originally the petitioner’s mother in law purchased the property in an

extent of Acs.8.57 Cents out of the said land Ac.0.06 cents *vide* plot bearing No.265 was also purchased in the year 1968. Subsequently, the said plot was allotted to the husband of the petitioner, who in turn, executed a registered gift deed on 5.11.2008 in favour of the petitioner. Since the date of execution of the gift deed, the petitioner is in possession and enjoyment of the same. However, the respondent No.2 is trying to interfere with the subject property in the form of laying a road. In fact, the petitioner also submitted a representation dated 16.7.2016 requesting the respondent No.2-Corporation not to lay any road since it violates the principles of natural justice, as no notice is issued to the petitioner.

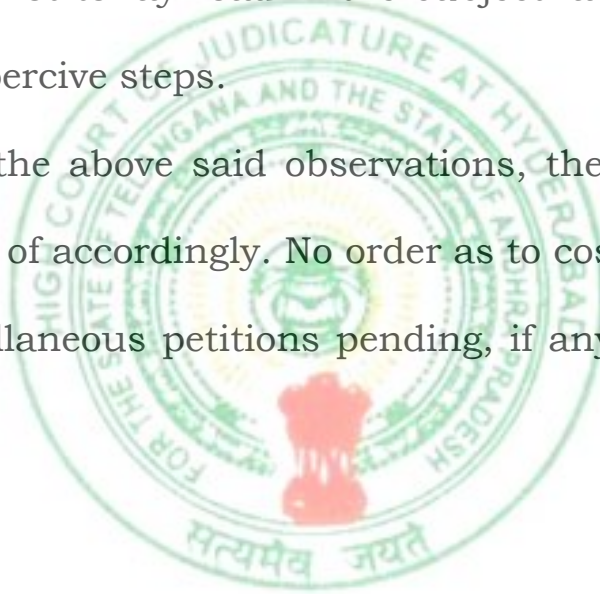
When the matter is taken up for hearing, the learned Standing Counsel for the respondent No.2-Corporation would submit that the respondent No.2-Corporation would consider the representation dated 16.7.2016 submitted by the petitioner and pass appropriate orders and till such time, no coercive steps will be taken.

Taking into consideration the submissions made by the learned Standing Counsel appearing for the respondent No.2-Corporation as well as in the light of the averments made in the affidavit in support of writ

petition, this Court is of the opinion that the writ petition can be disposed of, with a direction to the respondent No.2-Corporation. Accordingly, the respondent No.2-Corporation is directed to consider the representation dated 16.7.2016 submitted by the petitioner and pass appropriate orders as per law, within a period of four weeks from the date of receipt of a copy of this order. Till such orders are passed, the respondent No.2-Corporation is directed not to lay road in the subject land and not to take any coercive steps.

With the above said observations, the writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



JUSTICE P.KESHA RAO

Date:26.04.2018

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