HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5355 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking the following relief:

> "....to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to widen the existing Dammennu Lankala Koderu road to an extent of 40 feet without following the procedure established under the Right to Fair Compensation And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 R/w Section 174 of the Andhra Pradesh Municipalities Act, 1965 in respect of the Petitioners properties bearing (1) H.No.8-1-23, tiled house shop in plot admeasuring 22-2-108 Sq.yards equivalent to 18.67 Sq.mts, (2) H.No.13-11-6, RCC building consisting of ground + first floor in plot admeasuring 124 Sq.yards (3) H.No.8-1-22, RCC building consisting of ground + two upper floors, (4) H.No.8-1-4, Gamini Vari Street, RCC building in plot admeasuring 200 Sq.yards, (5) H.No.8-1-27, RCC building ground + first floor in plot admeasuring 89-1-12 Sq.yards equivalent to 74-12 Sq.mtrs situated in situated in RS Nos.145, 118/3 & 111/9, Tanuku Old Town, Tanuku, West Godavari District, Andhra Pradesh, as illegal, arbitrary, without jurisdiction, violative of principles of natural justice and the Petitioners fundamental/constitutional rights guaranteed under Articles 14, 21 and 300-A 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. Heard learned counsel appearing for the petitioners and the learned Government Pleader for Municipal Administration appearing for the 1st respondent and Sri Nimmagadda Venkateswarlu, learned Standing Counsel appearing for the 2nd respondent.

3. The grievance of the writ petitioners is that pursuant to a resolution passed for widening of the existing Dammennu Lankala Koderu road to an extent of 40 feet, the Municipality is contemplating to take up the road widening activity without invoking the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

4. At the hearing, learned counsel for the petitioners would submit that if the Municipality is directed to follow the procedure established by law, the grievance of the petitioners would be redressed.

5. Learned Standing Counsel appearing for the 2nd respondent submits that the Municipality would follow the Procedure contemplated under law before taking any road widening activity near the houses of the petitioners.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent not to interfere with or demolish the subject houses of the petitioners without following the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013) or other due process of law as the case may be.

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Dr. B. SIVA SANKARA RAO, J

Date: 20.02.2018

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