

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.5903 of 2018

ORDER:

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

....to issue a writ of mandamus or any other appropriate writ or direction to declare the action of the 3rd respondent in proposing to give concession by way of Transferable Development Right (TDR) as per A.P. Building Rules 2012 to the land owners without paying compensation as illegal arbitrary and contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and consequently direct the 3rd respondent to pay compensation to the petitioner as per the provisions of the Act 2013 and pass such other or further orders as the Hon'ble Court feels deem....”

2. Heard the learned counsel for the petitioner, the learned Government Pleaders for Municipal Administration, Revenue and Roads and Buildings appearing for the respective respondent Nos.1 and 2 and Sri Nimmagadda Venkateswarlu, learned Standing Counsel, who offers vakalat for respondent No.3 and perused the prayer in the writ petition with supporting affidavit and the other material on record.

3. It is stated in the affidavit filed in support of the petition that the respondents are violating the provisions of the A.P. Municipalities Act, 1965 (for short 'the Act') and if at all the property is to be acquired, they have to follow the due process as contemplated by the provisions of the Act and cannot take law into their hands.

4. Whereas, it is the submission of the learned Standing Counsel for respondent No.3 that the authorities are not going to

acquire any land. However, if there is any encroachment by the writ petitioner, they are going to remove the same by following the due process of law and if at all any land is required to be acquired, they will follow Sections 42 and 174 of the Act.

5. By recording the above submissions, this Writ Petition is allowed and the respondents are directed not to interfere with the subject property, except through due process of law.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.02.2018

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