

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.44153 of 2016

ORDER:

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

“....to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of respondents in proposing to demolish portion of the buildings of the petitioners bearing D.No.40-808-2, D.No.40-808-1 and D.No.40-808-C1 to C6, adjacent to the Kurnool to Sunkesula Road, Prakash Nagar, Kurnool City for the proposed proceeding widening or development of the road from “Railway Bridge near BSNL Office to Old Hyderabad Road (Sunkesala Road) towards Mother Theresa Circle of Kurnool Town” without there being any final approved Master Plan and without paying any compensation under Land Acquisition Act and without following due process of law, as illegal and contrary to law and violative of Article 300A of the Constitution of India and violative of Article 14 and 21 of Constitution of India and also violative of principles of natural justice and for a consequential direction to the respondents not to interfere with the rights of the petitioners over their buildings bearing D.No.40-808-2, D.No.40-808-1 and D.No.40-808-C1 to C6, adjacent to the Kurnool to Sunkesula Road, Prakash Nagar, Kurnool City except by due process of law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

At the hearing, learned counsel for the petitioner would submit that if a direction is given to the authorities of the 2nd respondent Corporation not to interfere with the subject properties of the petitioners, in any manner, except by following the due process of law, the ends of justice would be met.

Learned standing counsel appearing for the respondents 2 & 3 endorses the said submissions.

Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere, in any manner whatsoever, with the subject properties of the petitioners except by following the

procedure established by law; and, without paying compensation in the event the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, are applicable to the facts of the case. However, this order shall not preclude the petitioners from participating in the negotiations for settlement.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

03.01.2018

Vjl

