

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.9783 OF 2009

ORDER

Heard learned counsel appearing for the petitioner and Sri L.Venkateswara Rao, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that notice dated 3.2.2009 was issued to her by the 2nd respondent stating that the Corporation intends to widen the existing road and in that process, a part of her property will be affected for which, the Corporation would arrange compensation. Pursuant thereto, the petitioner has submitted her objections on 26.2.2007. But, no action has been taken thereon till date. Hence, the present writ petition is filed.

While issuing notice before admission on 6.5.2009, this Court directed the respondents not to lay any road or otherwise take possession of plot No.332L or any part thereof without following due process of law and without issuing any notice to the petitioner. Since then, the respondents neither choose to file counter-affidavit nor vacate stay petition.

Learned counsel appearing for the petitioner submits that without following the due process of law, the respondent-Corporation issued the impugned notice proposing to widen the road, which affects a part of her land. Neither she was put

on notice nor any proceedings were initiated for acquisition of the land and payment of compensation.

Sri L.Venkateswara Rao, learned Standing Counsel appearing for respondents 1 and 2 submits that, as on date, road widening process has not been undertaken. He further submits that if the land of the petitioner is required for road widening, they would follow due process of law.

Though the writ petition was filed in the year 2009 and admitted on 23.6.2009, no counter-affidavit has been filed till date. Hence, it is reasonable to presume that the respondents are not in a hurry to lay the road and this is not a case where any individual rights would be affected.

In these circumstances, leaving it open to the respondents to take appropriate action and follow due process of law as and when necessity arises for acquisition of the land of the petitioner, the Writ Petition is disposed of. However, the respondents are directed to pay costs of Rs.1,000/- (Rupees one thousand only) to the Registrar (Judicial) as they did not choose to file their counter.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

9th July, 2018
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