

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6877 of 2018

O R D E R:

Petitioner is a private limited company registered under the Companies Act, 1956. It asserts that respondent No.2-Visakhapatnam Urban Development Authority has leased out an extent of 3597.12 square yards of land in T.S.No.683/1, Opposite RTC Complex, Vizianagaram, to it under lease agreement, dated 08.04.2009, for a period of 33 years for construction of Multiplex and Shopping Mall. Accordingly, the petitioner had constructed the Multiplex and Shopping Mall. It further asserts that now respondent No.5-Vizianagaram Municipality is proposing to widen the road from 100 feet to 120 feet without acquiring the land. It also asserts that since it has right over the land though it belongs to respondent No.2, no interference can be made without following due process of law.

Heard the learned counsel for the petitioner.

Learned Standing Counsel for respondent No.5 submits that respondent No.2 had given no objection to the Municipality to widen the road and if any part of the land of the petitioner is getting affected in the road widening, necessary steps would be taken only by following due process of law.

Having regard to the facts and circumstances of the case and considering the fact that the lease granted in favour of the petitioner is subsisting, by virtue of which, it has right over the

subject property, if any part of the property of the petitioner is likely to be affected in the road widening, the respondent authorities shall follow the procedure prescribed under law before proceeding further.

Subject to the above, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall also stand disposed of. There shall be no order as to costs.

Dt:09.03.2018

Note: Issue cc in one week.
kdl

CHALLA KODANDA RAM, J



