

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6947 of 2013

ORDER:

This Writ Petition is filed to declare the notice in Rc.No.2066/2010-G2, dated 23.02.2013, issued by the respondent requesting the owners of the properties affected to attend the meeting scheduled to be held on 26.02.2013, as illegal and arbitrary.

2. The brief facts of the case of the petitioner are that he is the owner and possessor of house bearing D.No.23/515 and 516, situated in Koneti Kalwa Street, Proddatur Town; the respondent has issued a notice dated 09.04.2012 informing him that the Government issued orders in G.O.Ms.No.73, dated 17.02.1989, for preparing the master plan for Proddatur Municipality and that the Municipality has taken up road widening programme and as a part of the same, the Koneti Kalwa Street is sought to be widened to 40 feet width and in connection therewith the structures belonging to the subject property were required and that he is entitled to the benefits of G.O.Ms.No.281, dated 01.04.2008, for laying of upper floors on the remaining site as compensation; the said action was challenged in W.P.No.18299 of 2012 and the said writ petition was allowed holding that issuance of notice without initiating land acquisition proceedings is illegal; on 23.02.2013 the respondent herein has once again issued the notice to the affected building owners, who have not given consent for the said proposal, directing them to attend the meeting scheduled to be held on 26.02.2013; hence, the writ petition.

3. On 08.03.2013 this Court granted interim direction directing the respondent not to undertake demolition of the structures in Koneti Kalwa Street, Proddatur Municipality, unless the building owners have given consent, in writing, to do so.

4. As the impugned order in the writ petition is only notice dated 23.02.2013 requesting to attend the meeting along with documents, the writ petition is not maintainable.

5. Accordingly, the Writ Petition is dismissed as not maintainable. However, liberty is given to the petitioner to submit his objections to the notice dated 23.02.2013 and the respondent is directed to consider the same and pass orders in accordance with law, if no further action has been taken pursuant to the said notice. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 06.12.2018
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