

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.23592 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

“...to issue appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.2 in taking steps to lay the road in the petitioner's land to an extent of Ac.0.13 ½ cents situated in Sy.NO.306, abutting to Gandhi Park, Bus Stand Road, Yemmiganuru, Kurnool District in the process of road widening without issuing notice and without acquiring the land under the provisions of Act 30 of 2013 as illegal, arbitrary in violation of Principles of natural justice and in violation of Art.14 and 300-A of the Constitution of India and consequently direct the Respondents not to lay the road in the petitioner's land to an extent of Ac.0.13 ½ cents situated in Sy.No.306, abutting to Gandhi Park, Bus Stand Road, Yemmiganuru, Kurnool District without following due process of law in the interest of justice and to pass such other orders 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 petitioners would submit that if the 2nd respondent municipal authority is directed to follow the procedure established by law while taking steps to lay the road in the petitioner's subject land, the ends of justice would be met.

Learned standing counsel appearing for the 2nd respondent municipality, on instructions, would submit that the 2nd respondent is following the procedure established by law and that notices have already been issued to the petitioners and that the 2nd respondent municipal authority would follow the further procedure in the matter.

Recording the afore-said submissions, the Writ Petition is disposed of directing the 2nd respondent municipal authority to follow the procedure established by law, before interfering with, in any manner, the subject property of the petitioners for the purpose of laying a road.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

02.01.2018

Vjl

