

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.3962 of 2013

ORDER:

This writ petition is filed to declare the action of Respondent No.2 in attempting to demolish the compound wall of the petitioners house bearing H.No.53-38-7, 53-38-7/1 under Assessment No.41675 and 42408 respectively in Ward No.25, situated at KRM Colony, Maddilapalem, Visakhapatnam, without following the procedure under the Municipal Corporation Act or any other law in force as arbitrary and illegal.

The case of the petitioner is that the 2nd respondent is widening the drainage towards the northern side of their property; on 5.2.2013, the officials of the 2nd respondent tried to demolish the northern side of the compound wall; the petitioners are ready to cooperate with the 2nd respondent, provided they follow the procedure contemplated under the Land Acquisition Act.

An interim order was granted on 8.2.2013 directing the respondents not to demolish the compound wall of the petitioners.

Today when the matter came up for hearing, learned counsel for the petitioners submits that if the respondents follow the due procedure as contemplated under law, the petitioners have no objection.

Sri S. Lakshminarayana Reddy, learned Standing Counsel for Greater Visakhapatnam Municipal Corporation submits that the 2nd respondent will negotiate with the petitioners with regard to Transfer of

Development Rights Certificates and follow the procedure contemplated under law.

In view of the submissions made by the learned counsel for the petitioners and the learned Standing Counsel for the 2nd respondent, the Writ Petition is disposed of giving liberty to the 2nd respondent either to offer Transfer of Development Rights Certificate to the petitioners or to follow the procedure as contemplated under law before taking any action in the matter. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

**KONGARA VIJAYA LAKSHMI, J**

Date: 03/12/2018
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