

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.4911 of 2009

ORDER:

This writ petition is filed to direct the respondents to pay compensation of Rs.5,00,000/- towards damages for illegally demolishing the shop rooms of the petitioner bearing D.No.6-8-16, situated on M.G. Road, Vizianagaram, in October, 2008.

The case of the petitioner is that she inherited the subject shop rooms and the same were also assessed by the Municipality vide assessment order No.10931000027617; the first respondent, without issuing any notice to the petitioner under the A.P. Municipalities Act and without acquiring the said shop rooms under the Land Acquisition Act, demolished the entire building, hence she seeks compensation of Rs.5,00,000/- towards damages.

When the matter came up for hearing on 13.03.2009, this Court directed to maintain *status-quo* as to the nature and possession of the property in question.

Counter-affidavit has been filed by the Commissioner, Vizianagaram Municipality stating that the road belongs to R & B Department and that 60% of the buildings and site owners made representations giving their consent to widen the road up to 60', but the width of the road as per the Zonal Development Plan is 80'; the petitioner removed her building voluntarily along with the other building owners.

Reply affidavit has been filed by the petitioner stating that no consent whatsoever has been given by the petitioner.

Learned Standing Counsel for the first respondent submits that out of the total 69 buildings effected by road widening, consents were received from the owners of 63 buildings and that additional benefit of TDR (transferable development rights) were given to the owners of the land in lieu of compensation.

The prayer in the writ petition is to grant compensation of Rs.5,00,000/- towards damages for the demolition of the shop of the petitioners in October, 2008. This Court cannot quantify the damages while exercising the jurisdiction under Article 226 of the Constitution of India and the petitioner has to choose proper forum for redressal of her grievances.

In the facts and circumstances of the case, the writ petition is dismissed, giving liberty to the petitioner to approach proper forum for redressal of her grievance. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 11.12.2018
BSS