

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.11976 of 2017

ORDER:

It is the case of the petitioner that she purchased the land admeasuring Ac.0.38 cents in Survey No.91 of Kommadhi Village, Chinnagadili Mandal, Visakhapatnam District, from one Smt T.Satyavathi under a registered Sale Deed, dated 29.05.2002. She has been in possession of the said land since the date of her purchase. A part of said land was taken over by Visakhapatnam Urban Development Authority (VUDA) for formation of A.P.Grid Metal Road, without issuing any notice. When she approached the 2nd respondent, the 2nd respondent in turn directed her to approach the 7th respondent. Accordingly, the petitioner made a representation to the 7th respondent to allot alternative land and when no orders were passed, she filed W.P.No.20295 of 2008 and the same was disposed of on 07.09.2008 directing the respondents to follow due process of law in the event of the road being laid in the property owned by the petitioner. In spite of the said order, without issuing any notice, the road was laid and no orders were passed by the respondents. Ultimately, the 3rd respondent issued a letter on 03.03.2015 stating that as per the policy of the Government, no compensation can be paid to the extent of 200% TDR of the land lost in road formation. It was also stated that since the land is situated in Survey No.91 in Kommadhi Village, Chinnagadili Mandal, Visakhapatnam, which is under jurisdiction of Greater Visakhapatnam Municipal Corporation, the 7th respondent has to issue 100% TDS to the petitioner's land. In spite of the said letter, dated 03.03.2015, no action was taken by the 7th respondent and the petitioner submitted a representation

on 30.11.2015 stating that she is ready and willing to execute a registered Gift Deed in respect of the property and sought for issuance of TDR Certificate.

2. Even after issuing notice before admission, no counter-affidavit is filed by the 7th respondent.

3. In view of the letter of the 3rd respondent, dated 03.03.2015, the 7th respondent is directed to take further action for issuance of 100% TDR Certificate to the petitioner's land as per G.O.Ms.No.168, dated 07.04.2012, within a period of three (3) months from the date of receipt of a copy of this order. Respondent 3 and 7 shall pass appropriate orders for the remaining 100% TDR, as expeditiously as possible thereafter.

4. Accordingly, the Writ Petition is disposed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

APRIL 16, 2018

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Date: 16.04.2018

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