

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.19954 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the arbitrary and high handed action of the 2nd respondent in depriving the petitioners property right to title and possession of part of their patta/private residential houses bearing H.No.3-7-338 and H.No.3-7-305, Sy.No.1305, situated at Vavilalapally, Karimnagar Town and District, without following the due procedure established under law in proposing to widening the existing road into 50-0' through the aforementioned property without acquisition and payment of compensation as illegal, arbitrary, unjust and violative of Article 14 and 300-A of the Constitution of India and contrary to the provisions of Greater Municipal Corporation Act, 1955 and consequently direct the 2nd respondent refrain from proceeding further to widen the existing road through the property of the petitioners until the petitioners land is acquired under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act, 2013”.

2. Heard the learned counsel for petitioner and Sri V.Satyam Reddy, learned Standing Counsel for 2nd respondent Corporation.

3. The 2nd respondent Corporation issued a notice bearing No.G1/3/TP&BO/MCK/2018 dated 19.4.2018, directing removal of subject compound wall and house bearing Nos.3-7-338 and 3-7-305, Sy.No.1305, situated at Vavilalapally, Karimnagar Town and District. Admittedly, in response to the said notice dated 19.4.2018, petitioners herein submitted a detailed explanation dated 4.5.2018, highlighting various issues.

4. Today, when the matter is taken up, it is submitted by the learned Standing Counsel for 2nd respondent Corporation that the said explanation dated

4.5.2018 submitted by the petitioners herein will be considered by the Corporation and the Corporation will proceed in accordance with law. The said statement is recorded.

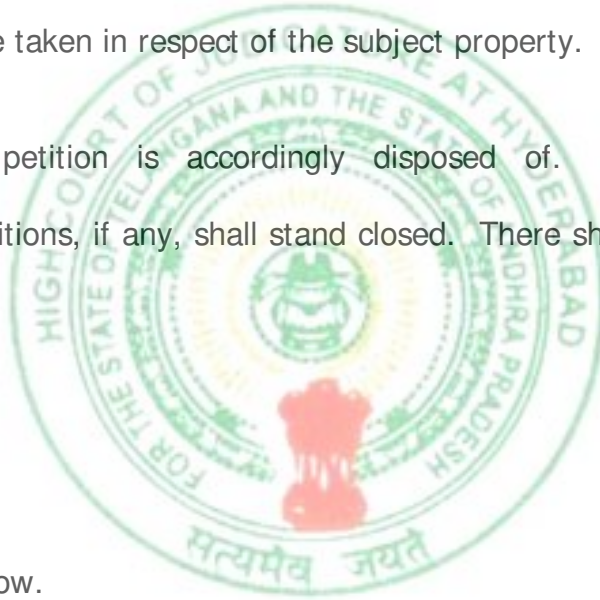
5. Since the explanation dated 4.5.2018 is pending before the 2nd respondent-Corporation and as the petitioners have raised various issues in the said explanation, this Court deems it appropriate to dispose of the writ petition with a direction to the 2nd respondent to verify various aspects raised by the petitioners in the explanation dated 4.5.2018 and pass appropriate orders, after hearing the petitioners herein as expeditiously as possible. Till the said exercise attains finality, no coercive action pursuant to the impugned notice dated 19.4.2018 shall be taken in respect of the subject property.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 14.6.2018

Note:
Issue C.C. tomorrow.
B/o
DA

A.V.SESHA SAI, J



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14.6.2018

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