

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

Writ Petition No.27361 OF 2018

ORDER:

Heard learned Counsel for the petitioners and Sri Nimmagadda Venkateshwarlu, learned Standing Counsel for respondent-Municipality.

When the matter is taken up, it is brought to the notice of this Court that in identical circumstances, this Court disposed of W.P.No.11041 of 2017 by way of an Order, dated 27.03.2017. In view of the same, there shall be following similar Order in this case also.

The present writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a writ of mandamus or any other appropriate writ or direction declaring the resolution No. 459 dated 18.4.2015 passed by the 3rd respondent in proposing to give concession by way of Transferable Development Right (TDR) as per A.P.Building Rules 2012 to the land owners without paying compensation to the affected families as illegal, arbitrary and consequently set aside the same and direct the 3rd respondent to pay the compensation to the land owners”.

It is submitted by the learned counsel for the petitioners that the petitioners are the absolute owners of the properties mentioned in the cause title of the writ petition situated at Jonnaguddi, Vizianagaram District. The only grievance of the petitioners is that the Respondent-Municipality has resorted to the high-handed action of widening the roads through the properties of the petitioners, without recourse to law.

On the other hand, it is represented by the learned Standing Counsel appearing for the Respondent-Municipality that if the petitioners are not agreeable for the Transferable Development Right (TDR) Scheme, the Respondent-Municipality will follow due process of law for acquisition of property.

Recording the said submission and following the Order passed in W.P.No.11041 of 2017, dated 27.03.2017, this writ petition is disposed, keeping it open to the Respondents herein to follow due process of law for the purpose of acquiring the properties of the petitioners, if they are advised to do so.

As a sequel, the miscellaneous petitions, if any, shall stand closed.
There shall be no order as to costs.

A.V. SESA SAI, J

2nd August, 2018
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