

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.15000 of 2013

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent corporation in issuing impugned proceedings vide Rc.G5- 133004/2010 dt. 07.05.2013 directing the petitioner to vacate the premises bearing Door No.31-24-171 & 172 of Machavaram, Vijayawada, Krishna District pending adjudication of the suit in O.S.No. 111/2011 on the file of the VI Additional Junior Civil Judge, Vijayawada as illegal, arbitrary and violation of principles of natural justice and consequently set aside the same and pass such other order or orders as this Hon'ble Court deems fit and proper.”

2. At the hearing, learned counsel for the petitioner and learned Standing Counsel appearing for the respondent Corporation are in agreement that the issue involved in this writ petition is squarely covered by the orders of this Court, dated 28.11.2017, in W.P.No.39978 of 2017, which was rendered by following the decision of this Court, dated 17.11.2017, in W.P.No.38748 of 2017. A copy of the order, dated 28.11.2017, is placed on record.

3. Having regard to the submissions, the Writ Petition is disposed of directing the respondent authority not to interfere with or demolish the subject property of the petitioner, except by following the procedure established by law; and, if necessary, without acquiring the property of the petitioner to the required extent by following the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (No.30 of 2013). This order shall not preclude the petitioner from participating in negotiations, if so desires and if so advised, in view of the terms of G.O.Ms.No.119.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 03.01.2018
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