THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No. 21197 of 2016

ORDER:

The prayer sought for in this writ petition is as under:

> ***".....to issue an order or orders or direction or a writ one in the nature of Writ of Mandamus to issue any writ order or direction, more particularly a writ in the nature of Mandamus declaring the action of respondents particularly respondent No.s 2 and 3 in trying to demolish the petitioner's houses/buildings situated at D.No.41-22/1-58 to an extent of 34 sq. yds and 4th petitioner is in possession of dwelling house at D.No.41-22/1-56 to an extent of 56 sq. yds at Bramarambapuram, Krishna Lanka, Vijayawda, without issuing any notice or following the procedure contemplated under law and without issuing any Land Acquisition Proceedings is arbitrary, illegal and violative or Articles 14, 19 and 21 of the Constitution of India and also violation of principles of natural justice and consequently direct the respondents not to demolish the petitioner houses/buildings without following the due procedure contemplated under law".***

Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondent No.2-Corporation.

The facts of the case are that the petitioners 1 and 2 are in possession and enjoyment of the dwelling houses in bearing D.No.41-22/1-58 in an extent of 39 sq. yds., and D.No.41-22/1-58 in an extent of 34 sq. yds., respectively and petitioners 3 and 4 are in possession of house bearing No.41-22/1-56 in an extent of 54 sq. yds., and also in an extent of 56 sq. yds., respectively at Bramarambapuram, Krishna Lanka, Vijaywada, Krishna District. In the year 1995, the Government of Andhra Pradesh through the then Tahsildar issued house site pattas in favour of one Topalli Seethamahalakshmi and later in the year 2006, the petitioner Nos. 1 and 2 have purchased the said property through an agreement of sale, whereas petitioners 3 and 4 purchased their respective houses from their vendors, who are absolute owners and possessors of the property and since then, they have been residing in their respective properties. Since there were some rumors that their property will be acquired for construction of parks, green fields, resorts to promote the tourism, some of the residents of the locality, had filed W.P.No.16901 of 2016 in this Court.

This Court granted stay of demolition in the said matter. Apprehending the demolition, the petitioners herein filed present writ petition. On 29.6.2016, this Court granted interim stay of demolition/eviction of the petitioners from their respective houses/buildings situated at Bramarambapuram, Krishna Lanka, Vijaywada, except in accordance with law. However, during the course of arguments, it is brought to the notice of this Court by the learned counsel for the petitioners that in spite of the orders of this Court dated 29.6.2016, structures were demolished culminating in filing of the contempt cases.

Per contra, the learned Standing Counsel for the respondent No.2-Corporation would submit that pursuant to the orders passed by this Court on 29.6.2016, the respondent No.2-Corporation negotiated with the petitioners herein and others for settlement for the purpose of giving Transferable Development Rights (TDRs) and structural compensation in compliance with G.O.Ms.No.168 MA&UD (M) Department, dated 7.4.2012 which was issued in the United State of Andhra Pradesh and G.O.Ms.No.119 MA&UD(M) Dept., dated 28.03.2017 holding force at present. The learned Standing Counsel would also submit that the said negotiations are still going on and in some cases, the house owners have

already accepted the Transferable Development Rights (TDRs) and structural compensation. If the petitioners are not willing to accept the TDRs as well as structural compensation in compliance with the said G.O.Ms.No.119, dated 28.03.2017, the learned Standing Counsel would submit that the Corporation will go for acquisition of land by following the mandatory procedure as contemplated under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Looking into the above said aspect and keeping in view the submissions made by the respective counsel, this Court is of the opinion that this writ petition can be disposed of with a direction to the respondent No.2-Corporation to pay compensation either complying with the terms and conditions of G.O.Ms.No.119 dated 28.03.2017 or in the alternative by following the procedure contemplated under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The said process shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed. No order as to costs.

JUSTICE P. KESHAVA RAO

Date: 19.04.2018
slk

THE HONOURABLE SRI JUSTICE P. KESHAVA RAO

HIGH COURT OF JUDICATURE AT HYDERABAD FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

WRIT PETITION No. 21197 of 2016
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HIGH COURT OF JUDICATURE AT HYDERABAD
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