

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42036 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“to issue order or direction more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents and its men in trying to demolish and dispossess us from house property D.No.10-54 with Asst.No.5162 in an extent 264 square yards and 257 square yards aggregating 521 square yards in R.S.No.239/4 (old Asst. No.1935 and D.No.5-652-1) situated in Kamayyathopu, Kanuru, Penamaluru Mandal, Krishna District, for the purpose of road widening without any prior notice or publication as contemplated under law is arbitrary, illegal, whimsical, violative of Articles 14, 21, 19(1)(g) and 300 A of Constitution of India and in violation of statutory provisions of law and in utter breach of principles of natural justice and violation of provisions of the Land Acquisition Act, 2013 and consequently direct the respondents not to demolish the house property D.No.10-54 with Asst.No.5162 in an extent 264 square yards and 257 square yards aggregating 521 square yards in R.S.No.239/4 (old Asst. No.1935 and D.No.5-652-1) situated in Kamayyathopu, Kanuru, Penamaluru Mandal, Krishna District, in the interest of justice and pass such other order or orders as the Hon'ble Court may deems fit and proper in the interest of justice”.

2. I have heard the submissions of the learned counsel for the petitioner; of the learned Government Pleader for Municipal Administration & Urban Development Department (AP), appearing for the first respondent; of the learned Standing Counsel for A.P. Capital Regional Development Authority (CRDA), appearing for the second respondent; and, of the learned Standing Counsel for Municipal Corporation of Vijayawada, appearing for the third respondent. I have perused the material record.

3. From the facts and submissions, it is discernible that in the process of widening of a road to 120 feet, the subject property of the petitioner situated at Bandar Road is being affected. The grievance of the petitioner is this: 'The possession of the petitioner over his property is being sought to be interfered with highhandedly and without following the procedure established by law. Attempts to demolish the property for the purpose of road widening are being made. The officials of the respondents are taking advantage of the weekend holidays. They are frequently coming to the property; and, they even made a marking on the property indicating the extent of the property that is required to be demolished for the purpose of road widening.'

4. Learned counsel for the petitioner submits that if the respondents are directed to follow the procedure established by law, the ends of justice would be met.

5. Learned Standing Counsel for the 3rd respondent Municipal Corporation would submit that the Corporation is not concerned with the subject property as the property is situated within Kanuru Village of Penamaluru Mandal, that is, outside its jurisdictional limits.

6. Learned Standing Counsel for the second respondent would submit that the second respondent who is the requisitioning authority and the other respondents concerned would follow the procedure established by law before the road widening activity is undertaken. He also submits that a notice is issued to the petitioner to submit the approved building permit and copies of documents relating to the property and that the petitioner is

obliged to submit the same to enable the authorities concerned to proceed further in the matter.

7. Learned counsel for the petitioner in reply would submit that necessary documents would be submitted. It is also submitted that a common representation was already made to the second respondent by the petitioner and others, who are similarly placed, and that a copy of the same is also personally submitted to the second respondent, the Commissioner, Andhra Pradesh CRDA.

8. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with the possession of the petitioner over the subject property in the process of road widening except by following the procedure established by law. Further, within two weeks from the date of receipt of a copy of this order, the petitioner is required to submit necessary documents, as sought for, in the notice issued by the Commissioner for appropriate consideration by the authority concerned.

There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 22.11.2018

Note:- Furnish C.C. by 28.11.2018.

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