

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42072 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 from the property RCC Roof sheet shed Building bearing D.No.57-8-22, in an extent of 104sq.yds in R.s.No.109/1 situated in M.G.Road, Patamata, Vijayawada for the purpose of road widening without any notice and by following due process of law or publication as contemplated under law is arbitrary, illegal, whimsical, violative of Article 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 and dispossess the property RCC Roof sheet shed Building bearing D.No.57-8-22, in an extent of 104sq.yds in R.s.No.109/1 situated in M.G.Road, Patamata, Vijayawada in the interest of justice.”

2. I have heard the submissions of the learned counsel for the petitioner; of learned Government Pleader for Municipal Administration and Urban Development (AP), appearing for the 1st respondent; of Sri M.Balaji, learned Standing Counsel for the Municipal Corporation of Vijayawada, appearing for the 2nd respondent; and, of Sri D.Ramesh, learned Standing Counsel for the A.P. Capital Regional Development Authority (CRDA), appearing for the 3rd 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 M.G. 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 appearing for the 2nd respondent Municipal Corporation would submit that the requisitioning authority is CRDA and that if the petitioner approaches the authorities concerned for negotiations, the authorities concerned are prepared to negotiate and follow the procedure established by law.

6. Learned Standing Counsel for CRDA and the learned Government pleader endorsed the said submission.

7. 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. It

is however made clear that if required, the petitioner shall submit necessary documents, as may be sought for by the Commissioner concerned for appropriate consideration.

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
AMD



THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



WRIT PETITION No.42072 OF 2018

DATE: 22.11.2018

AMD