HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 42307 of 2018

ORDER:

1) The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents and its men, in trying to demolish and dispossess the petitioner from property RCC roof building beariang D.No.9-52 in an extent of 53 sq. yds in R.S.nO.241/1 situated in Kanuru Grampanchayat, Krishna District for the purpose of road widening in pursuance of notice dated 06.11.2018 without any opportunity or publication as contemplated under law, as illegal and arbitrary and consequently direct the respondents not to demolish and disposes the above said property.

2) The facts in issue are as under:-

The petitioner is the absolute owner of the property RCC roof building bearing D.No.9-52 in an extent of 53 sq. yards in R.S.No.241/1 situated in Kanuru Grampanchayat, Krishna District having acquired the same under a registered gift deed dated 26.04.2010 and has been paying all taxes regularly without fail. While things stood thus, the Government more particularly the APCRDA has intended to expand the Bandar road from the existing

92/93 feet road to 120 feet road. For that purpose, the shops and houses existing on the Bandar road have to be necessarily dismantled and demolished. It is further stated that it is incumbent on the part of the respondents to initiate the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and thereafter proceed further in the matter. He submits that in the present case, no such notification was issued and on the other hand, the respondent authorities put on markings on the property of the petitioner. It is submitted that with a view to safeguard their properties, all the residents in the locality approached the respondent No.2 and shown their documents and on the other hand a Society was formed by the residents/affecting parties and on behalf of the society also gave a common representation on 11.11.2018 requesting not to do any highhanded and illegal acts of demolition. It is further submitted that the respondents without following the procedure as required, they cannot highhandedly take any action.

3) Heard the learned counsel for the petitioner; the learned Government Pleader for Municipal Administration & Urban Development Department (AP), appearing for the first respondent; the learned Standing Counsel for A.P. Capital Regional Development Authority (CRDA), appearing for the second respondent; and the

learned Standing Counsel for Municipal Corporation of Vijayawada, appearing for the third respondent. Perused the material record.

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) Since the properties are situated outside the limits of Municipal Corporation of Vijayawada, the learned counsel for the petitioner submitted that no relief is claimed by the petitioner against the third respondent.

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 would be 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, so as 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) Having regard to the above 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.

9) There shall be no order as to costs. As a sequel to it, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 23.11.2018
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