

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 42438 of 2018

ORDER:

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

2) 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 property Masjid and shops in Masjid Aheleha Dees Farooqia bearing D.No.10-104, situated in Farooq nagar, Raghu gardens, Bandar road, Kanuru, Krishna District, for the purpose of road widening in pursuance of notice dated 13.11.2018, without any opportunity or publication as contemplated under law as arbitrary and illegal.

3) The grievance of the petitioner is 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. It is stated that the possession of the petitioner over his property is being sought to be interfered with highhandedly and without following the procedure established by law. The respondents are

attempting to demolish the property for the purpose of road widening, taking advantage of the weekend holidays. It is further stated that the respondents are frequently coming to the property and marking on the property indicating the extent of the property that is required to be demolished for the purpose of road widening. Challenging the action of the respondents, the present writ petition came to be filed.

4) Learned counsel for the petitioner would submit 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 third 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 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 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 above submissions made, 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 following the procedure established by law. Further, 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, within a period of two weeks from the date of receipt of a copy of this order.

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

JUSTICE C. PRAVEEN KUMAR

Dt: 26.11.2018
vhh