

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos.45614, 45580 and 45600 of 2018

COMMON ORDER:

- 1) Since the issue involved in these Writ Petitions is one and the same, these Writ Petitions are disposed of by this common order.
- 2) Heard learned counsel for the petitioners, 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 third respondent in W.P.Nos.45580 and 45600 of 2018.
- 3) These Writ Petitions 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 petitioners from their properties viz., D.No.57-6-23/2, Asst.No.1073138633, ward 9 and D.No.57-6-22/1, Asst.No.1073138634, ward 9 of Patamata, Vijayawada, Krishna District, RCC GF shops + 2 residential house building D.No.11-12 (11-11 old) vide Asst.No.5404, in R.S.No.233/6 and ACC GF shops house building D.No.11-11(11-10 old) vide Asst.No.5404, situated in Bandar Road, Kanuru Grampanchayat, Krishna District, for the purpose of road widening without following due process of law as arbitrary and illegal.

4) The grievance of the petitioners is that in the process of widening of a road to 120 feet, the subject property of the petitioners situated at Bandar Road is being affected. It is stated that the possession of the petitioners over their property is being sought to be interfered with highhandedly and without following the procedure established by law. The respondents are attempting to demolish the properties for the purpose of road widening, taking advantage of the weekend holidays. It is further stated that the respondents are frequently coming to the properties and marking on the properties indicating the extent of the properties that are required to be demolished for the purpose of road widening. Challenging the action of the respondents, the present writ petitions came to be filed.

5) Learned counsel for the petitioners would submit that if the respondents are directed to follow the procedure established by law, the ends of justice would be met.

6) Learned Standing Counsel for the Municipal Corporation would submit that the Corporation is not concerned with the subject properties as the properties are situated within Kanuru Village of Penamaluru Mandal, that is, outside its jurisdictional limits.

7) 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 petitioners, if not already issued, to submit the approved building

permits and copies of documents relating to the properties and that the petitioners are obliged to submit the same to enable the authorities concerned to proceed further in the matter.

8) Learned counsel for the petitioners 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 petitioners 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.

9) Recording the above submissions made, the Writ Petitions are disposed of directing the respondents not to interfere with the possession of the petitioners over the subject properties in the process of road widening, except following the procedure established by law. Further, the petitioners are 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.

10) 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: 15.12.2018
vhb