

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.8152 OF 2023

ORDER:-

This Writ Petition for a mandamus is filed to declare the action of the respondents in not following the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act") and making an effort to acquire the property of the petitioners for the public purpose of widening the road, as illegal and arbitrary.

Heard learned counsel for the petitioners, learned Assistant Government Pleader for Municipal Administration & Urban Development appearing for respondent Nos.1 and 2, Sri M. Manohar Reddy, learned Standing Counsel for Municipality appearing for respondent No.3, learned Assistant Government Pleader for Revenue appearing for respondent Nos.4 and 5, learned Assistant Government Pleader for Roads and Buildings appearing for respondent No.6 and learned Assistant Government Pleader for Land Acquisition appearing for respondent No.7.

As per the case pleaded by the petitioners, administrative sanction for a sum of Rs.16.60 crores was given by the State

Government to take up certain development works in Narsipatnam Municipality including the expansion of main road from Abid Center to Pedda Boddepalli Madhum and other roads in the said vicinity and to widen the roads. The respondents are now making an effort to acquire the property of the petitioners without following the due process of law as contemplated under the Act. It is also their grievance that even without considering the objections of the petitioners as required under G.O.Rt.No.943, dated 27.12.2022, that the respondents are making an effort to acquire the property of the petitioners. Therefore, the petitioners are before this Court by way of filing this Writ Petition seeking the aforesaid reliefs.

Even if the property of the petitioners is required for the public purpose of widening the road as per the administrative sanction of a sum of Rs.16.60 crores made by the State Government of Andhra Pradesh, still the respondents have to follow the due process of law as contemplated under the Act in acquiring the said property of the petitioners for the purpose of widening the road.

Therefore, in the said facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondents concerned to follow due process of law in acquiring

the property of the petitioners, if at all the said property of the petitioners is required for the public purpose of widening the said road or for any other public purpose by following the procedure contemplated under law. Till the property of the petitioners is acquired by following due process of law as directed supra, no steps to dispossess the petitioners from the property either by way of demolishing the said property or in any other manner shall be taken by the respondents. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending, in this Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 03.04.2023

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