

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE DR JUSTICE K MANMADHA RAO
WRIT PETITION NO: 18869 OF 2023



Between:

Dontamsetty Venkata Rao, S/o. Late Mukalingam, Aged about 65 years, R/o. 4-4, Maruthi Nagar 1st Line, Opp. Check Post Dolapeta, Rajam, Vizianagaram District.

Petitioner

AND

1. The State of AP, Rep.by its Principal Secretary, Municipal Administration Department, A.P.Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner,, Nagar Panchayat, Rajam, Vizianagaram District.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more in the nature of Writ of Mandamus, declaring the action of the respondents herein in widening the Cheepurupally Road to Palakonda Road, Rajam, Vizianagaram District without following due process of law and as per the orders of this Hon'ble Court in W.P. No. 8543/2017 is illegal, arbitrary, unconstitutional and contrary to the principles of Natural Justice and the Section 174(1) of the A.P. Municipalities Act, 1965, read with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 .

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein not to proceed with the widening of the Cheepurupally Road to Palakonda Road, Rajam, Vizianagaram District as per the Endorsement C.R.No.809/2022/G1, dated 16.11.2022 issued by the 2nd respondent, Pending disposal of WP 18869 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri K SAIRAM MURTHY Advocate for the Petitioner and of GP FOR MUNICIPAL ADMN URBAN DEV for the Respondent No.1, Sri M MANOHAR REDDY, Standing Counsel for Respondent No.2 and the Court made the following

ORDER

“Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the land to an extent of 861 Sq.yds situated at 4-4, Maruthi Nagar, 1st lane, Opp. Check Post, Dolapeta, Rajam, Vizianagaram District. While so, the 2nd respondent started taking

measurements by putting markings to the shops stating that they have decided to widen the road to an extent of 80 feet and stated that they will be pay the compensation only after widening the road. Questioning the action, the petitioner filed W.P.No.8435 of 2017 and this Court disposed of the same by a common on 10.03.2017 with the following directions:

"The writ petitions are therefore disposed of with a direction to the respondents – authorities to follow the procedure prescribed in Section 174(1) of the A.P. Municipalities Act, 1965 read with Section 42 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, before processing with acquisition of properties of the petitioners"

While so, the 2nd respondent issued a notice dated 29.10.2017 asking the petitioner to appear on 30.10.2017 A.N at Surya Durga Kalyana Mandapam along with documents for payment of compensation, to which the petitioner along with others attended the meeting. Thereafter, on 16.11.2022 the petitioner received an Endorsement from the 2nd respondent, which reads as under:

"For the convenience of public, the road widening works are being undertaken within the limits of Rajam, Municipality limits. As per the reference No.2 stated above your building to an extent of 861 Sq. yards is coming in way of road widening. Therefore, your building to the extent of road widening is marked for that, your building will be taken. For those effected, this office has sanctioned TDR for road widening. An awareness meeting will be held on 17.11.2022 at the office of R&B therefore all the affected required to attend this meeting and a TDR check list is attached herewith. Therefore, it is informed to all that, after submission of all necessary documents the TDR will be sanctioned."

Therefore, the petitioner attended the meeting and raised objections, however, nothing was heard from the respondent and all of a sudden, the 2nd respondent and his staff without passing any orders have marked the property with red ink on 14.07.2022 and attempted to proceed with the demolition of the existing buildings, without following the orders passed in W.P.No.8435 of 2017 dated 10.03.2017. Aggrieved by the same, the petitioner filed the present writ petition.

Heard Sri K. Sai Rama Murthy, learned counsel for the petitioner, learned Government Pleader for MA&UD appearing for the 1st Respondent and Sri

**M.Manohar Reddy, learned Standing Counsel appearing for the 2nd respondent.
Perused the material on record.**

**Learned Standing Counsel appearing for the 2nd respondent seeks time
to get instructions in the matter.**

Post the matter on 11.08.2023.

**In the meanwhile, the respondents are directed not to proceed with the
widening of Cheepurupally Road to Palakonda Road, Rajam, Vizianagaram
District as per the Endorsement C.R.No.809/2022/G1 dated 16.11.2022."**

**Sd/- U. SRI DEVI
ASSISTANT REGISTRAR**

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Principal Secretary, State of A.P., Municipal Administration Department, A.P.Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner,, Nagar Panchayat, Rajam, Vizianagaram District. (Addressess 1 to 2 by RPAD)
3. One CC to SRI. K SAIRAM MURTHY Advocate [OPUC]
4. One CC to SRI. M MANOHAR REDDY, Standing Counsel[OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV ,High Court Of Andhra Pradesh. [OUT]
6. One spare copy.

psk

HIGH COURT

DR.KMR,J

DATED:28/07/2023

POST ON 11.08.2023

ORDER

WP.No.18869 of 2023

DIRECTION

