

THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No.3240 of 2023

ORDER:-

This Writ Petition for a mandamus is filed to declare the action of respondents in proposing to demolish the private property of the petitioner bearing D.No.13-1-109, Pedakapu Layout, Revenue Ward No.13, Tirupathi, without issuing any notice to the petitioner and without following due process of law by initiating the process contemplated under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short "the Land Acquisition Act, 2013") as illegal and consequently sought direction to the respondents not to demolish the house of the petitioner without following due process of law.

2. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Municipal Administration & Urban Development appearing for respondent No.1 and Sri Suresh Kumar Reddy Kalava, learned Standing Counsel appearing for respondent Nos.2 and 3.

3. The fact that the petitioner is the absolute owner of the house bearing D.No.13-1-109 in Pedakapu Layout of Tirupathi is not disputed by the respondents. The grievance of the writ petitioner is that without following due process of law as

contemplated under the Land Acquisition Act, 2013, that the respondents are making an illegal effort to demolish the house of the petitioner for public purpose of widening the road. It is stated that the respondents have already given marking for demolition.

4. Learned Standing Counsel for respondent Nos.2 and 3, on written instructions, would submit that there is a proposal to widen the road and for the said purpose, a survey was made to ascertain whether the property in question is required for the purpose of widening the said road and no decision is yet taken by the respondents to acquire the property of the petitioner and he would submit that if at all the house of the petitioner is required for public purpose of widening the road that the respondents would follow due process of law as per G.O.Ms.No.223, Municipal Administration & Urban Development Department, dated 09.07.2018. He has also placed the written instructions received by him to that effect on record.

5. Learned counsel for the petitioner would submit that it is stated in the written instructions that they will only offer TDR bonds which is not acceptable to the petitioner and if at all the house of the petitioner is acquired for public purpose of widening the road that they have to follow the procedure contemplated under the Land Acquisition Act, 2013.

6. Therefore, in the said facts and circumstances of the case, recording the aforesaid submission made by learned Standing Counsel based on written instructions which are placed on record, the Writ Petition is disposed of with a direction to the respondents to follow the due process of law as contemplated under the Land Acquisition Act, 2013, to acquire the house of the petitioner for public purpose of widening the road, if at all the same is required for the said purpose. Till the said process is initiated as contemplated under the aforesaid Act and till the property is acquired by due process of law, respondents are directed not to take any steps for demolition of the house in question. No costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date: 09.02.2023
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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

WRIT PETITION No. 3240 of 2023

Date: 09-02-2023

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