

[3233]

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF SEPTEMBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI



WRIT PETITION NO: 5377 OF 2023

Between:

1. Alluri Veera Venkata Ramesh Babu, S/o. Alluri Rama Krishna Rao (late), Aged about 58 years, Occ. Agriculture, R/o D.No.1-581-5-1, R.T.C. Colony, Gudivada Mandal, Gudivada, Krishna District.
2. Kandula Lakshmi Kumari, W/o. K. Rama Mohana Rao, Aged about 49 years, House wife, R/o. D.No.15/117-A, Anjaneyapeta, Gudivada Mandal, Gudivada, Krishna District.

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Prl. Secretary, Municipal-Administration and Urban Development-Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Andhra Pradesh Township and Infrastructure Development Corporation, Rep. by its Managing Director, 4th Floor, P.N.Bus Stand, N.T.R. Administrative Block, Vijayawada- 520002, Krishna District.
3. The District Collector, Machilipatnam, Krishna District.
4. The Revenue Divisional Officer, Revenue Division, Gudivada Mandal, Gudivada, Krishna District.
5. The Gudivada Municipal Corporation, Rep. by its Commissioner, Gudivada, Krishna District
6. The Tahsildar, Gudivada Mandal, Krishna 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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action, things and deeds of Respondents in trying to lay the road (from Gudivada-Machilipatnam Road to APTIDCO Houses (Andhra Pradesh Township and Infrastructure Development Corporation) through Petitioners' house Plot Nos. 1, 2 & 5 situated in Sy.No.50, Gangadarapuram Village, Bommuluru Gram Panchayat, Gudivada Mandal, Krishna District without any due procedure which is illegal, irregular, arbitrary, unconstitutional, against to the Principles of Natural Justice, contra to the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and in violation of Articles 14, 19, 21 and 300-A of Constitution of India, consequently direct the Respondents not to interfere or occupy the Petitioners' house Plot Nos. 1, 2 and 5 situated in Sy.No. 50, Gangadarapuram Village, Bommuluru Gram Panchayat, Gudivada Mandal, Krishna District.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the WRIT petition, the High Court may be pleased to direct the Respondents not to lay any road through the Petitioners' House Plot Nos. 1, 2 and 5 situated in Sy.No. 50, L.P.No.16/2006, Gangadarapuram Village, Bommuluru Gram Panchayat, Gudivada Mandal, Krishna District, pending disposal of this Writ Petition No.5377 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 the orders of the High Court, dated 03.03.2023, 13.06.2023, 04.07.2023, 25.07.2023, 08.08.2023 & 22.08.2023 made herein and I.A.No.1 of 2023 upon hearing the arguments of SRI.NARASIMHA RAO GUDISEVA Advocate for the Petitioner, GP for Municipal Administration & Urban Development for the Respondent No.1, Ms.Padmaja Gadiraju, learned Standing Counsel for Respondent No.2, GP for Revenue for the Respondent Nos.3, 4 & 6, and Sri.M.Manohar Reddy, learned Standing Counsel for Respondent No.5, the Court made the following.

ORDER:

1. No representation for the petitioners.
2. Counter has been filed by the respondents.
3. Post on 26.09.2023.
4. In the meantime, if the petitioners want to file reply affidavit to the counter, the same may be done.
5. Interim order granted earlier is extended till the next date of adjournment.

//TRUE COPY//

Sd/- A. VIJAY BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI.NARASIMHA RAO GUDISEVA Advocate [OPUC]
2. Two CCs to GP for Municipal Administration and Urban Development, High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
4. One CC to Sri.M.Manohar Reddy, Standing Counsel (OPUC)
5. One CC to Ms.Padmaja Gadiraju, Standing Counsel (OPUC)
6. The Section Officer, Posting Section, High Court of Andhra Pradesh.
7. One spare copy

NBR

HIGH COURT

RNT,J

DATED:05/09/2023

NOTE: Post on 26.09.2023.

ORDER

WP.No.5377 of 2023

INTERIM ORDER EXTENDED

