

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11737 of 2005

Between:

- 1 Sridharala Jogarao, S/o. Lakshminarayana,
R/o. H.No. 11-1-29, GNT road, Anakapalli, Visakhapatnam.
- 2 Sridharala Somaraju, S/o. Sridharala Jogarao,
R/o. H.No. 11-1-17 and 11-1-27, GNT Road, Anakapalli,

Visakhapatnam District.

- 3 Sridharala Peda Nookaraju, S/o. Sridharala Sanyasaiah,
R/o. H.No. 11-1-31, GNT Road, Anakapalli,

Visakhapatnam District.

- 4 Sridharala Lakshman, S/o. China Lakshminarayana,
R/o. H.No. 11-1-29(1), GNT Road, Anakapalli,

Visakhapatnam District.

- 5 Kadmisetti Surya Prakash Rao, S/o. Atchutaramaiah,
R/o.H.No. 12-1-105, GNT Road, Anakapalli,

Visakhapatnam District.

- 6 Bondada Venkat Rao, S/o. Veera Swamy,
R/o. H.No. 11-1-24, GNT Road, Anakapalli,

Visakhapatnam District.

- 7 Bondada Venkata Sai Baba, S/o. Veera Swamy,
R/o. H.No. 11-1-23, GNT Road, Anakapalli,

Visakhapatnam District.

- 8 Sridharala Lakshminarayana, S/o. China Nookaraju,
R/o. H.No. 12-1-116, GNT Road, Anakapalli,

Visakhapatnam District.

- 9 Sridharala Suryanarayana, S/o. Manikyam,
R/o. H.No. 11-1-20, GNT Road, Anakapalli,

Visakhapatnam District.

- 10 Sridharala Krishna Perraju, S/o. Ranga Rao,
R/o. H.No. 11-1-21, GNT Road, Anakapalli,

Visakhapatnam District.

11 Boggarapu Ramurthy Setty, S/o. Appalaraju,
R/o. H.No. 11-1-42, GNT Road, Anakapalli,

Visakhapatnam District.

12 Boggarapu Gunnaji Rao, S/o. Trinadha Swamy,
R/o. H.No. 11-1-2, GNT Road, Anakapalli,

Visakhapatnam District.

..... PETITIONERS

AND

Anakapalli Municipality, rep. by its Commissioner, Anakapalli,
Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ of Mandamus or any other appropriate writ order or direction declaring the action of the respondent in demolishing the houses of the petitioners bearing Premises No.11-1-29,11-1-17, 11-1-27, 11-1-31, 11-1-29 (1), 12-1-105, 11-1-24, 11-1-23, 12-1-116, 11-1-20, 11-1-21, 11-1-42, 11-1-2, situated at GNT Road, Anakapalli, Visakhapatnam District, as illegal and arbitrary and direct the respondent to follow the guidelines framed by the Division Bench of this Hon'ble Court in W.P.No. 21198 of 1997 and grant such other relief as it deems fit in the circumstances of the case.

Counsel for the Petitioners :Mr.V.VENKATARAMANA

Counsel for the Respondent : MR.S.NAGESWARA REDDY

The Court at the stage of admission made the following :

ORDER:

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Heard the learned counsel appearing for the respective parties.

The petitioners, who are the residents of GNT Road, Anakapalli, Visakhapatnam District, filed this writ petition seeking a direction to declare the action of the respondent in demolishing their houses situated at GNT Road, Anakapalli, Visakhapatnam District without following the guidelines issued by the Division Bench of this Court as illegal and arbitrary.

It is stated that the petitioners are the owners of the houses bearing Nos. 11-1-29, 11-1-17, 11-1-27, 11-1-31, 11-1-29 (1), 12-1-105, 11-1-24, 11-1-23, 12-1-116,11-1-

20, 11-1-21, 11-1-42, 11-1-2, situated at GNT Road, Anakapalli, Visakhapatnam District. The respondent issued notices to the petitioners dated 05-05-2005 while proceeding with road widening of the main road of Anakapalli into 80 feet width road. One of the notices issued to the petitioners is extracted as hereunder:

**O/o. Anakapalle Municipality,
Anakapalle**

Notice

(Under Section 171, 172, 173, 174, 175, 176, 177, 178 & 179 of A.P. Municipalities Act, 1965 and Provisions under UDA Act, 1975)

R.O.C.No./140/2002/G1 Date: 5-05-2005

1. As the main road of Anakapalle town is very narrow and it become a traffic hazard. The political parties and public have submitted representation for widening of Main Road during Rajeev Nagara Baata. The Municipal Council has passed resolution for widening the road and the Government has also sanctioned funds to R & B Department. It is proposed to widen the main road in Anakapalle town to 80 ft. road width for length about 2 km from Sarada Bridge to Sunkarametta Junction.
2. The structure existing with the residential building/shop of Smt./Sri Sreedharala Jogarao S/W/O Lakshminarayana bearing D.No.11-1-29 in Anakapalle Main road is falling within T.S.No.1271/P of O/Ward within the alignment of 80 ft. road widening measuring to an extent of 36.19 sq.mt. The valuation of the effected structure will be done by the R & B Department and the structural compensation will be paid. Additional FSI will be permitted as per G.O.Ms.No.15 MA dated 15-01-1998.
3. The Municipality is conferred with the powers of removing the structures falling within the alignment of 80 ft. road widening for public purpose.
4. Hence, you are hereby directed to get the structures removed within 60 days from the date of receipt of this notice, failing which further action will be taken for removal of structures in order to form the main road.

5. You may file any objections within 60 days.

Block 20-20

Sd/- S.S.Varma,

5/5/05

Commissioner

Anakapalle Municipality

To

Smt./Sri Sreedharala Joga Rao

S/o Lakshminarayana

D.No.11-1-29, GNT Road

Anakapalle.

Having regard to the facts and circumstances of the case, I am of the opinion that the aforesaid notice was issued in accordance with the guidelines issued by this court in various writ petitions. The petitioners cannot object the action of the respondent for widening the road. However, all the petitioners are entitled for value of the structures as well as the land. A perusal of the notice discloses that the affected structures will be valued by the R & B Department for compensation. Therefore, the respondent has issued individual notices to the petitioners specifying the extent of the land that is going to be affected and accordingly instructions have also been issued for valuation of the affected structures by the R & B Department for payment of the compensation. A perusal of the notice further discloses that in addition to the payment of compensation, additional FSI will be permitted as per G.O.Ms.No.15 MA dated 15-01-1998. If there is any dispute as to the payment of compensation, the petitioners can agitate for payment of the market value of the structures as well as the land, as they were granted 60 days time for filing objections from the date of receipt of notices dated 05-05-2005. Therefore, I do not see any illegality in issuing the said notices and hence the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

V. ESWARAIAH, J.

Dated: 26-05-2005.

RNS

To

1. The Commissioner,
Anakapalli Municipality,
Anakapalli,
Visakhapatnam District.

2. Two CD copies