

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9236 of 2009

Between:

Guthipalli Laxmi, W/o. Sanyasi,
Sri Venkateswara Towers, 5th Lane, Dwaraka Nagar,
Visakhapatnam.

..... PETITIONER

AND

The Commissioner, Greater Visakhapatnam Municipal Corporation,
Visakhapatnam.

.....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 an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to declare the action of responding trying to dispossess the petitioner from her own land for an extent of 410 square yards covered by Plot No. 105 and 106 of Bangaruthalli Layout situated in Patta No. 17, S.No. 15/4 of Darrapalem Village, Peda Gadili Panchayat, Visakhapatnam for the purpose of lay road without acquiring the land under Hyderabad Municipal Corporation Act or under Land acquisition to lay a road illegal, arbitrary, under Art. 14, 21 of the Constitution of India and violatin of Article 300-A of the Constitution of india and under Section 145, 146, 147 of Hyderabad Municipal Corporation act

Counsel for the Petitioner:MR.C.H.MURALI KRISHNA

**Counsel for the Respondent No.: MR.N.RANGA REDDY (SC FOR
MPL. CORP. VSP)**

The Court made the following :

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ORDER:-

The main grievance of the petitioner is that the respondent-Commissioner, without paying suitable compensation and without following due process of law, as contemplated under Sections 146 and 147 of the Hyderabad Municipal Corporation Act and without initiating proceedings under the Land Acquisition Act, 1894, is trying to dispossess her from the land in an extent of 410 sq. yards in Sy.No.15/4 situated in Darapalem village, Visakhapatnam for the purpose of laying road.

The learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing on behalf of the respondent has submitted that so far they have not issued any notice to the petitioner proposing to acquire the land in question, and in case the respondent proposes to acquire any piece of land belonging to the petitioner, they will certainly issue notice to the petitioner and follow the due process under law.

In view of the submission made by the learned Standing Counsel that the respondent will certainly follow due process under law before going to acquire the petitioner's land for the purpose of laying road, this Court deems it appropriate to dispose of the writ petition with the following direction:

“The respondent-Commissioner is directed not to dispossess the petitioner from the land in question for the purpose of laying road, without following due process of law under Sections 146 and 147 of the Act or holding private negotiations or initiating proceedings under the Land Acquisition Act, 1894.”

Accordingly, this writ petition is disposed of. No costs.

N.V.RAMANA, J

30th April, 2009
bcj