HIGH COURT OF ANDHRA PRADESH

MAIN CASE No:W.P.No.33587 OF 2022

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
1.	14.10.2022	**RNT,J** Sri P.Rajesh Babu, learned counsel for the petitioner submits that without following due process of law, the petitioner's land is sought to be taken for road widening just by placing the banner on the site, asking the land owner to approach Town Planning Staff for further future action, with request to cooperate. He submits that if the petitioner's land is to be taken for road widening, the procedure under Municipal Corporation Act, is firstly by agreement with the land owner under Section 146 and thereafter, if the land owner is not willing to give by agreement, to acquire under Section 147. He submits that when pursuant to the said banner, the petitioner expressed displeasure to give the site, the staff of the respondent No.2 stated that the site will be taken for road widening and the TDR bonds by way of compensation will be issued, which is contrary to law as the petitioner cannot be forced or compelled to take TDR Bonds without his willingness to give the land/property.	

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		Sri G.Naresh Kumar, learned Standing Counsel for the respondent No.2, represents that it is not clear from the material on record, as on today, whether any notice under Section 146 of the Act was given to the petitioner or not. He requests for time to seek instructions. He fairly submits that the land of the petitioner cannot be taken for any public purpose, without following due process of law under Sections 146 and 147 of the Act. List on 03.11.2022, to enable Sri G.Naresh Kumar, to obtain instructions in the matter. Till the next date of listing, no coercive action will be taken against the petitioner's land/property nor the same shall be utilized for road widening, without following due process of law. _____ **RNT,J** Scs	

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