

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
WRIT PETITION NO: 33587 OF 2022



Between:

Shaik Kareem, S/o of Shaik Ismail, Muslim, Business, aged 55 years R/o
Door No. 29-27-18, Lakshmivarapupeta, Rajamahendravaram,
Rajamahendravaram District

...Petitioner

AND

1. The State Of AP, Rep by its Prl. Secretary, Municipal Administration Department, Secretariat, Velagapudi, Guntur District.
2. The Rajamahendravaram Municipal Corporation, Rep. by its Commissioner, Rajamahendravaram, Rajamahendravaram District

...Respondents

Petition is filed 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 on the part of the Respondent no.2 in placing a Banner proposing to take 189.44 sq.yards of site for the purpose of road widening in front of the property of the Petitioner i.e., Ava Road leading to Balajipeta, back side to Rajamahendravaram Railway Station, Rajamahendravaram, East Godavari District, from out of the Petitioner's vacant site surrounded by compound wall which is of a total extent of 780 sq.yards in T.S.No. 445/2 and also proposing to take 20 feet width X 69 Feet length = 153.33 sq.yards of Petitioner's second side 1020 sq.yards of vacant site situated in R.S.No. 457 and 1044/2 of Ava Road leading to Balajipeta, back side to Rajamahendravaram Railway Station, Rajamahendravaram, East Godavari District, without following the procedure as contemplated under the Land Acquisition Act, 2013 and proposing to proceed further in taking away the land of the Petitioner of a total extent of 342.77 sq.yards of the two sites afore mentioned, though Petitioner has not accepted for the demand of the Respondent no.2 is nothing but high handed, unlawful, unreasonable and in violation of the Principles of Natural Justice and Fundamental Rights guaranteed under Art. 14, 21 and 300 - A of the Constitution of India and Rules made there under by consequently directing the Respondent no.2 not to acquire the properties of the Petitioner aforementioned without following due process of law.

IA NO: 1 OF 2022:

Petition is filed 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 Grant Interim Orders of Injunction restraining the Respondent no.2, their men, staff and all those persons claiming right under the Respondent no.2 from not interfering with the possession and enjoyment of the properties of the Petitioner i.e., total extent of 780 sq.yards in T.S.No. 445/2 (as per Regd. Sale Deed doc.No. 1306/1999) and also proposing to take 20 feet width x 69 feet length - 153.33

sq.yards of Petitioner's second site 1020 sq.yards of vacant site in R.S.No. 457 and 1044/2 (as per Regd. Sale deeds doc.No. 993/1997 and 462/2000) existing in Ava Road leading to Balajipeta, backside to Rajamahendravaram Railway Station, Rajamahendravaram East Godavari District, until further orders of this Honourable Court, Pending disposal of WP 33587 of 2022, 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 earlier Orders of the High Court dated 14.10.2022, 03.11.2022, 10.11.2022 & 12.12.2022 made herein and upon hearing the arguments of Sri P RAJESH BABU Advocate for the Petitioners and of GP FOR MUNICIPAL ADMN URBAN DEV for the Respondent No.1, Sri M MANOHAR REDDY and of Sri G.NARESH KUMAR, Standing Counsel for Respondent No.2, and the Court made the following

ORDER:

“ On the joint request made by learned counsels for the parties, list on 30.01.2023.

Interim order granted earlier is extended till the next date of listing.”

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For SECTION OFFICER

To,

1. One CC to SRI. P RAJESH BABU, Advocate [OPUC]
2. One CC to SRI. M MANOHAR REDDY, Standing Counsel [OPUC]
3. Two CCs to GP FOR MUNICIPAL ADMN URBAN DEV, High Court Of Andhra Pradesh. [OUT]
4. One CC to Sri G.NARESH KUMAR, Standing Counsel [OPUC]
5. One spare copy.

NBR

HIGH COURT

RNT, J

DATED:26/12/2022

List on 30.01.2023

ORDER

WP.No.33587 of 2022

INTERIM ORDER EXTENDED

