

APHC010071282022



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3457]

TUESDAY, THE 18th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 5241/2022

Between:

1.GUJJARLAPUDI ANJALI,, W/O. G. NAGESWARA RAO AGED 60 YEARS, OCC- HOUSEWIFE R/O. D.NO. 54-14/5-7/1, ROAD NO. 5, PLOT NO. 258 VIJAYAWADA, KRISHNA DISTRICT-520008

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT SECRETARIAT, VELAGAPUDI KRISHNA DISTRICT.
- 2.THE COMMISSIONER, VIJAYAWADA MUNICIPAL CORPORATION KRISHNALANKA, VIJAYAWADA KRISHNA DISTRICT.
- 3.THE TOWN PLANNING SECTION, VIJAYAWADA MUNICIPAL CORPORATION BOBBA COMPLEX, CIRCLE -3 VIJAYAWADA KRISHNA DISTRICT.

...RESPONDENT(S):

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 topleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No. 2 in not issuing TDR bonds to the petitioner for acquiring the land 16 feet height x 60 feet width for widening of 80' feet road connecting from (Autonagar Road to Ramvarapupadu Road) Ballemvari Veedhi in Vijayawada, Krishna District and keeping the petitioner Applications pending till date as bad, illegal,

arbitrary, discriminatory, contrary and violation of principle of natural justice and consequently direct the respondent No.2 to issue TDR bond with 1-4 ratio to the petitioner for losing his land out of 473 sq. yds. in R.S. No. 476/9, situated at Ballemvari Veedhi. Gunadala Village, Vijayawada, Krishna District and to pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to process the petitioner Application 2021-TCP-104165, dated 24.03.2021 to issue TDR Bond, pending disposal of the above writ petition, in the interest of justice and pass

Counsel for the Petitioner:

1.D S N V PRASAD BABU

Counsel for the Respondent(S):

1.GP FOR MUNICIPAL ADMN URBAN DEV

2.S.V.S.S.SIVARAM SC For VMC

The Court made the following order:

The petitioner is aggrieved by the inaction on part of the 2nd respondent in issuing the TDR bonds at the ratio of 1:4 in the extent of land belonging to the petitioner, which was affected for the construction of the Guntitippa drain. The land admeasuring 96.63 sq.yards belonging to the petitioner was affected by the said project, and that the petitioner had surrendered the said land as the 2nd respondent had assured issuance of TDR bonds. It is submitted that the petitioner had been repeatedly submitting applications from the year 2019 onwards and running from **pillar to post** for obtaining the TDR bonds. It is submitted that the 2nd respondent issued TDR bonds to one G. Samba Siva Rao and others at the ratio of 1:4 in the year 2019. It is submitted that the petitioner is similarly placed as the other land losers, however, the respondents have not issued TDR bonds to the petitioner.

2. The learned Standing Counsel appearing for respondents 2 and 3 submits that a detailed counter has been filed and that the petitioner is entitled for TDR bonds in terms of G.O.Ms.No.678, dated 07.09.2007, and that the petitioner was offered TDR bonds at the ratio of 1:1. It is also submitted that the petitioner has refused to accept the TDR bonds when they were offered. It is submitted that the petitioner is not entitled for TDR bonds at the present ratio, as G.O.Ms.No.678, dated 07.09.2007, was applicable for the acquisition at the point of time. The learned Standing Counsel further

submits that a copy of the TDR bonds which were issued to the petitioner is filed along with the Writ Petition.

3. In reply, learned counsel for the petitioner submits that TDR bond was never issued to the petitioner and the submission that the petitioner refused to accept the TDR bond is neither supported by any document nor by any communication from the petitioner.

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 2 and 3.

5. The extent of land which was affected for construction of the Guntathippa drain is undisputedly 96.63 sq.yards. It is also not in dispute that the petitioner was not issued TDR bonds for the said extent of land.

6. The law on this issue is well settled and in the matter of **Bommadevara Venkata Subba Rao Vs. State of Andhra Pradesh, rep.by its Principal Secretary, Municipal Administration and Urban Development, Hyderabad and others**¹, this Court held that right to property may not be a fundamental right any longer, but it is still a constitutional right under Article 300-A of the Constitution. This Court was considering the validity of affidavit submitted by the petitioner therein stating no objection to handover the required land on free of cost for any project. It was held that the condition of not to claim any compensation was violative of petitioner's right to property under Article 300-A of Constitution.

¹ 2023(1) ALT 247

7. In the matter of **Kolkata Municipal Corpn. Vs. Bimal Kumar Shah²**, the Hon'ble Supreme Court was also considering the right of restitution or fair compensation when a property of a person is acquired for public purposes it is the responsibility of the Courts to consider the claim for compensation of the land owners for their lands which were acquired for public purposes deserve fair and **reasonable compensation**.

8. In view of the aforesaid circumstances, this Court is of the considered view that the petitioner is entitled to TDR bonds at the ratio of 1:4 as per G.O.Ms.No.119.

9. Accordingly, the 2nd respondent shall issue TDR bonds to the petitioner at the ratio of 1:4 in respect of the subject extent of land, in accordance with law, within a period of ten (10) weeks from the date of receipt of a copy of this order.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

18.08.2026
RJS

² (2024) 10 SCC 533

HON'BLE SRI JUSTICE HARINATH.N

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Dt: 18.08.2026

RJS