

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.42019 of 2015

ORDER:

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This writ petition is filed seeking the following relief/s:

'...to issue writ, direction or order more particularly writ of mandamus, declaring the action of the respondents in trying to demolish the shop bearing Dr.No.22/332, Op.Chandasab Durga, Karwal Pet, Adonum Kurnool District, as illegal arbitrary, and violative Act.21 and 300A of Constitution of India, and consequently direct the respondents not to take any cohesive steps, without following due process of law and pass such other order

[Reproduced verbatim]

2. I have heard the submissions of learned counsel for the petitioner and the learned Standing Counsel appearing for the 2nd respondent. I have perused the material record.
3. The grievance of the writ petitioner is that the respondents are trying to demolish the petitioner's shop bearing Dr.no.22/332 illegally and arbitrarily without following the procedure established by law and that the respondents had highhandedly made markings on the property/the shop of the petitioner for the purpose of demolition for road widening and that, therefore, the petitioner is obliged to file the writ petition.
4. The learned Standing Counsel fairly submits that no coercive steps for demolition of the subject shop of the petitioner would be taken without following the due procedure. It is also his submission that for giving markings for the proposed road widening, no permission is needed.
5. The learned counsel for the petitioner would submit that if a direction is given to the respondents to follow the procedure established by law before resorting to any coercive action like demolition of the property of the petitioner, the ends of justice would be met.
6. Recording the submissions, the writ petition is disposed of directing the respondents not to take any coercive action against the subject property of the petitioner including demolition of any portion of the said property except in strict accordance with the procedure established by law and without acquiring the required extent of property, if necessary, as contemplated under law. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

23.12.2015
Vjl