

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3 OF 2015

ORDER

-

This writ petition is filed for a writ of mandamus declaring the action of the 2nd respondent in threatening to demolish part of premises No.5-101 and 5-102, situated at Gandhi Chowk, Manthani Mandal, Karimnagar District, without issuing any notice, without calling explanation, without initiating any land acquisition proceedings and without paying any compensation, as arbitrary and illegal and for a consequential direction to the 2nd respondent not demolish any part of the above said building of the petitioner.

The case of the petitioners is that they are the absolute owners and possessors of the building bearing No.5-101 and 5-102, having purchased the same through a registered sale deed dated 03.04.2010. While so, the respondent No.2 in the guise of construction of a drainage is proposing to demolish the part of the constructed RCC building of the petitioners, without issuing any notice and without initiating any land acquisition proceedings. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners.

Learned Standing Counsel for the 2nd respondent filed counter affidavit stating that the petitioners have constructed the building without leaving the set back of 3' each on northern and southern sides of road facings and also constructed the iron steps round stair case, encroaching the drain on the south-north corner of the building which is in contravention of Section 96 of A.P.Panchayat Raj Act, 1994. As such, the PWD (R&B) authorities had dismantled the steps and the stair case of the petitioner's building. He further submits that they are not going to touch the main building.

In view of the averments stated in the counter affidavit filed by

the 2nd respondent, this Writ Petition is disposed of.

There shall be no order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 11.02.2015

dv