

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.711 of 2012

**ORDER:**

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

*'...to issue an order or direction more particularly one in the nature Writ of mandamus declaring the illegal action of the respondent authorities in resorting to demolish the petitioner house bearing D.No.9/805 situate at Railway Feeders Road, Santhapet, Nellore, SPSR Nellore District, in the name of road widening without issuing any notice, opportunity etc., as illegal, arbitrary, and violation of art.14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondent authorities not to demolish/interfere with the petitioner aforesaid house without following due process of law and pass such other order...'*

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner and the learned Standing Counsel appearing for the respondent Corporation. I have perused the material record.
3. The grievance of the petitioner is that the authorities of the 2<sup>nd</sup> respondent Corporation are resorting to demolish the property of the petitioner under the guise of road widening even without issuing any notice or opportunity of hearing and that, therefore, the said action of the said authorities is illegal, arbitrary and in violation of the provisions of the Constitution of India.
4. At the time of hearing, the learned counsel for the writ petitioner would submit that the writ petition may be disposed of giving necessary directions to the authorities of the respondent Corporation to strictly follow the procedure established by law before resorting to demolish the building of the petitioner for the purpose of road widening.
5. The learned Standing Counsel would submit that in case a notice had already been issued calling for explanation from the writ petitioner, the writ petitioner may be given an opportunity to submit his explanation and then liberty may be given to the respondent Corporation to proceed with further action in the matter and that in the alternative, if any notice is not yet issued, the respondent Corporation may be permitted to issue a show cause notice and proceed in accordance with law before demolishing the building of the petitioner.
6. Recording the submissions, the writ petition is disposed of directing the authorities concerned of the respondent Corporation to issue a notice to the writ petitioner as contemplated under law and receive the explanation, in any offered by the petitioner in writing, and also afford an opportunity of hearing to the petitioner and follow the procedure established by law before proceeding with the road widening. No costs.

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

**M. SEETHARAMA MURTI, J**

15.12.2015  
Vjl