

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.No.14300 of 2009

-

ORDER:

This writ petition is filed declaring the action of the respondents in proposing to demolish the building of the petitioner constructed in a plot admeasuring 125 sq.yards at Etukuru Village within the new Municipal Corporation area of Guntur, Guntur District without issuing notice and without following due process of law.

Though notice is issued and interim orders are passed on 16.07.2009, no counters are filed for the last 5 years.

The case of the petitioner is that his wife and one Smt Gaadhe Rajeshwari jointly purchased an extent of 432 sq.yards of house site through a registered sale deed dated 20.03.2006 and thereafter the joint property was partitioned through a registered partition deed dated 02.02.2008 and thereby the petitioner's wife got share to an extent of 216 sq.yards. Subsequently she executed a registered gift deed in favour of the petitioner on 29.07.2008. While so, the petitioner submitted an application for sanction of building construction permission of ground and 1st floor and the same was sanctioned by the respondents on 12.02.2009. Though the petitioner constructed the building by obtaining permission from the respondent Corporation, the respondents are threatening to demolish the part of the petitioner's building without following due process of law.

Today when the matter is taken up hearing, the learned counsel for the respondent corporation once again sought time for filing counter.

The attitude of the respondents shows that they are not interested in defending the case before the Court of law. Since the counter is not filed for the last 5 years, there is no other way except accepting the averments of the writ affidavit as true and allowing the writ petitions. Because of the attitude of the respondent Corporation,

this Court is forced to take this approach. It is specifically pleaded in the writ affidavit that the petitioner has purchased the property through a registered sale deed and constructed the building after obtaining necessary permission. In the absence of the counter affidavit, the averments of the writ affidavit have to be accepted.

In view of the above, the respondents are directed not to demolish the building of the petitioner bearing D.No.233/A, without following due process of law.

Accordingly, the writ petition is disposed of. No costs.

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

A.RAJASHEKER REDDY,J

Date: 07.09.2015

dv