

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42829 of 2015

ORDER:

-
This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief/s:-

“....to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd and 3rd respondents in trying to demolish the portion of the writ petitioner's property bearing H.No.22/310 and 22/310A of Karwanpet, Adoni town and Mandal, Kurnool District without issuing any notice by following due process of law as illegal, arbitrary and violation of principles of natural Justice and consequently direct the 2nd and 3rd respondents not to proceed with demolishing the writ petitioner's property without following due process of law, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

(Reproduced Verbatim)

I have heard the submissions of the learned counsel for the writ petitioner and the learned standing counsel appearing for respondents 2 and 3. I have perused the material record.

The grievance of the writ petitioner and the submissions on his behalf are that the respondents are trying to demolish his property bearing H.No. 22/310 and 22/310A of Karwanpet, Adoni Town and Mandal illegally and arbitrarily without following the procedure established by law and that the respondents had also highhandedly made markings on his property for the purpose of demolition for road widening and that, therefore, he is obliged to file the writ petition.

The learned counsel for the writ petitioner, while asserting the submissions in the affidavit filed in support of the writ petition, would submit that the subject matter is squarely covered by W.P.No.42019 of 2015 and, therefore, requests for disposing the writ petition by passing an order similar to the one that was passed in the aforementioned writ petition.

The learned standing counsel would submit that no coercive steps for demolition of the subject property of the petitioner would be taken without following the due procedure. It is also his submission that if ultimately it is found on an enquiry that the property is the private property of the petitioner, necessary steps for acquisition would be taken as required under law. It is also his submission that for giving markings for the proposed road widening, no permission is needed.

The learned counsel for the petitioner in reply 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.

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. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand dismissed.

M. Seetharama Murthi, J

31st December, 2015
cbs

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42829 of 2015

31st December, 2015

cbs