

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12078 OF 2015

ORDER :

This petition is filed for a writ of *Mandamus* declaring the notice in ROC.No.715/2010/A1, dated 20.03.2015, issued by respondent No.2 asking the petitioners to handover the possession of shop Nos.3,4,5,6 and 7 of the Municipal Shopping Complex, Old Bus Stand, Kadapa City, Y.S.R.District, stating that they are in dilapidated condition, even though the same are in good condition, as illegal and arbitrary and violative of fundamental rights and consequently to set aside the same.

The case of the petitioners is that they are the tenants of the 2nd respondent-Kadapa Municipal Corporation, that the impugned notice was issued to them stating that the aforesaid shops, which are in their occupation, are in dilapidated condition and basing on the representation of the Municipal Engineer a resolution was also passed by the Municipality and that they were directed to vacate the premises, within seven days. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for the 1st respondent and Sri S.D.Goud, learned Standing Counsel appearing for the 2nd respondent.

This Court, on 24.04.2015, directed the 2nd respondent to produce the report submitted by the Engineering Department and the learned Standing Counsel produced instructions along with photographs. A perusal of the same would show that the 2nd respondent-Municipality has issued proceedings dated 03.12.2014 directing the Engineering Department to visit the said shops and submit a report, that report was submitted on 11.12.2014 stating that the said shops are in dilapidated condition and the Standing Committee passed a resolution approving the same; that the 2nd respondent-Municipality has taken a decision on 04.04.2015 for demolition of the said shops and the impugned notice dated 20.03.2015 is issued to that effect.

The above said submissions clearly disclose that the aforesaid shops were inspected by the Engineering Department, which in turn submitted a report stating that the said building is in dilapidated condition and the petitioners are in occupation of the same for more than 15 years and the photographs also shows that the slab portion is almost in dilapidated condition.

In view of the said report, I do not see any reason to continue the interim order and the same is vacated. It is open for the petitioners to make applications to the 2nd respondent-Municipality for allotment of shops and the 2nd respondent-Municipality may consider the same in accordance with law.

With the above directions and observations, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

27.04.2015
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