

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13028 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in trying to demolish the compound wall and to take the possession of property of passage on the northern side of the petitioner's building, as illegal and arbitrary and for a consequential direction to the respondents not to take possession of the said property without acquiring the same under process known to law.

The case of the petitioner is that he is the absolute owner of the property bearing No.9-1-41(old) and presently Door No.9-1-39 with undivided share in the building by virtue of sale deed vide document No.386 of 2000. There is a common passage on the northern side of the petitioner's property and he has ownership right over the said passage like his vendors. The common passage is used by the workers of the petitioner. The common passage provided access to the owners of the Ajantha Cinema Theatre for their workers coming back gate. After the theatre was closed the common passage had been closed by a compound wall for safety and the passage is in petitioner's control and usage. Petitioner stored material there. While so, the Municipal Corporation is trying to demolish the compound wall saying that they need the said area for widening of the road. Petitioner made representations on 15.04.2015 and 17.04.2015 saying that if they want the said property they shall have to acquire the same. But, the respondent Corporation without considering the request of the petitioner, is trying to demolish the compound wall for taking possession of the said property. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Sri C.Madhu, learned counsel for the 2nd respondent Corporation on instructions states that the respondent Corporation is not taking any steps as on today to take possession of the said property. He further submits that as and when they want to take steps for possession of the said property, they will follow due process of law.

Recording the submission made by the learned Counsel for the 2nd respondent that immediately, they are not taking any steps to demolish the property and that they will follow due procedure, 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

29.04.2015

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