

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10342 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the respondents 2 to 5 in proposing to demolish the 19 shops of daily market building for construction of new building there at, in pursuance of tender notification dated 15.05.2014, vide R.K.No.9/2014 for the construction of ground & first floors building, after demolishing the existing building, wherein the petitioner's shop No.9, Banana Godown is existing, as illegal and arbitrary and for a consequential direction to the respondents 2 to 5 not to construct a new building by demolishing the existing building.

The case of the petitioner is that he is the tenant of Shop No.9, situated opposite to RTC Bus Stop, Sulabh Complex Road, Tatipaka Village, East Godavari District pertaining to the 5th respondent Gram Panchayat and he was asked to vacate the same by the 5th respondent for construction of a new shopping complex, without following due procedure and without allotting a shop in the new shopping complex. The 2nd respondent issued proceedings dated 12.02.2014 without conducting property enquiry whether the existing building requires immediate demolition. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioner submits that without allotting any shop in the new complex, petitioner was asked to vacate Shop No.9.

Learned Standing Counsel for 5th respondent produced a copy of the resolution dated 27.01.2014, wherein it is stated that the Gram Panchayat has taken a decision to allot the new shops which are going to be constructed by the Gram Panchayat to the shop owners who were tenants before demolition and

the same is approved by the District Panchayat Officer also.

In view of the above, recording the submission made by the learned Standing Counsel for the 5th respondent that the petitioner will be allotted one shop in the proposed new shopping complex in place of Shop No.9 of the existing building and in view of the Resolution dated 27.01.2014 and proceedings dated 12.02.2014 issued by the District Panchayat Officer, 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

20.04.2015

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