

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.6667 of 2015**

**Date: 17-03-2015**

Between:

Vaddi Rajesh Babu

.. Petitioner

AND

The State of Andhra Pradesh, represented by its  
Principal Secretary, Municipal Administration,  
Secretariat, Hyderabad and three others

.. Respondents

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.6667 of 2015**

**ORDER:**

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This writ petition is filed for a mandamus declaring the highhanded action of respondents 3 and 4 in attempting to demolish some small portion of backside of the building of the petitioner situated in Door No.30-91-37/1, Bottavanipalem, Vadlapudi, Visakhapatnam District without any notice and without any enquiry as illegal, arbitrary and violative of principles of natural justice.

2. The case of the petitioner is that he is absolute owner and possessor of house bearing Plot No.516 to an extent of 53.5 square yards in Survey No.13/P, Bottavanipalem, R.H. Colony, Vadlapudi village, Visakhapatnam having purchased the same under registered sale deed dated 30-11-2006. After obtaining building permission for ground plus two floors from the 2<sup>nd</sup> respondent, the petitioner constructed only ground floor and the

building is levied for tax and the petitioner is paying taxes accordingly to the 2<sup>nd</sup> respondent. It is stated that on the backside of his site, there was a drainage canal, which is leading from Siddardhnagar and is connected to ocean and abutting to the said canal, some encroaches have been made by some people and constructions were made, for which no action has been taken by the respondents. Surprisingly, the officials of the 4<sup>th</sup> respondent came to the building of the petitioner and informed that some portion of the building encroached the canal bund site and the petitioner approached the respondents 3 and 4 and requested not to take any coercive steps against his building without any basis and that the petitioner made a representation on 07-02-2015 to the 2<sup>nd</sup> respondent, but no orders are passed thereon. Meanwhile, the 2<sup>nd</sup> respondent is making attempts to demolish the building of the petitioner without following due process of law. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri S. Lakshmi Narayana Reddy, learned standing counsel for the respondent Corporation, who submits that an inspection was done whether any encroachment was made or not, for which a report was submitted by the Town Surveyor of the respondent Corporation and that only after following due process of law, action will be taken against the petitioner.

4. Recording the statement made by the learned standing counsel for the respondent Corporation that after following due process of law, action will be taken against the petitioner, the writ petition is disposed of accordingly. However, the respondent Corporation directed not to make any steps for demolition of the property of the petitioner without following due process of law, and

if any notice is issued to the petitioner, the petitioner shall cooperate with the respondent Corporation; otherwise, it is open for the respondent Corporation to proceed further as per law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**A. RAJASHEKER REDDY, J**

Date: 17-03-2015

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