

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NOs.2061 AND 29159 OF 2015

DATED:30-11-2015

W.P. No.2061 of 2015

Between:

Sangamreddy Sanyasi Rao ... Petitioner

And

State of Andhra Pradesh

Rep. by the Principal Secretary

Municipal Administration

Secretariat

Hyderabad

and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Venkateswara Rao Gudapati

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal Administration

(AP)

COUNSEL FOR RESPONDENT NO.2: Mr. Nimmagadda Venkateswarlu

W.P. No.29159 of 2015

Between:

Kethenedi Sanyasi Rao
and another ... Petitioners

And

The State of Andhra Pradesh
Rep. by the Principal Secretary
Municipal Administration and Urban Development Deaprtment
Secretariat
Hyderabad
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Taddi Nageswara Rao

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal Administration
(AP)

COUNSEL FOR RESPONDENT NO.2: Mr. Nimmagadda Venkateswarlu

THE COURT MADE THE FOLLOWING:

COMMON ORDER:

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In these two writ petitions, the lessees of some of the shops of Janata Bazar of Vizianagaram Municipality have questioned the action of respondent No.2 in proposing to evict them from the shops in their occupation. Their main grievance is that respondent No.2 has not followed the due process of law for their eviction.

Separate but similar counter affidavits have been filed on behalf of respondent No.2 by its Commissioner wherein he has *inter alia* sated that Janata Bazar complex,

Vizianagaram, consists of ninety shops, that the construction is very old and it has become dilapidated, and that the Executive Engineer, Roads and Buildings Department, Vizianagaram Division, vide proceedings dt.21.09.2011 opined that the complex, which is in dilapidated condition, is unfit for occupation and shall be dismantled. It is further stated that the complex is proposed to be demolished and a new complex is proposed to be constructed after obtaining technical sanction from the Director, Town and Country Planning, Visakhapatnam. It is further stated that all the petitioners were issued notices of their respective shops under Section 194 of the Andhra Pradesh Municipalities Act, 1965, vide proceedings in Roc. No.5766/2003/A1, dt.27.12.2011, and that having received the notices for eviction, the petitioners have not vacated the shops. The counter affidavit further stated that many leaseholders have vacated their respective shops pursuant to the eviction notices and that respondent No.2 has demolished more than 50% of the dilapidated complex. No reply affidavits are filed by the petitioners controverting the averments contained in the counter affidavits.

No doubt, the petitioners have raised the plea of non-issue of notices. However, in the counter affidavit, a specific assertion is made that on 27.12.2011 notices were issued by respondent No.2 and that they were received. The absence of reply affidavit denying this specific averment, convinces me to accept this statement in the counter affidavit. Further, the photographs submitted by the learned Standing Counsel for respondent No.2 - Municipality shows that the building looks very old and the conditions are appalling, to say the least. On looking at these photographs, I feel that the building and the surroundings are not fit for human movements leave alone carrying on business. In these facts and circumstances of the case, I do not find any reason to prevent the respondents from dismantling the building after evicting the petitioners, and constructing a new shopping complex. Since the petitioners are in occupation of the shopping complex, they are granted three months time to vacate the shops in their occupation and handover the same to respondent No.2.

The writ petitions are accordingly disposed of.

As a sequel to disposal of the writ petitions, W.P.M.P. No.2754 of 2015 and W.V.M.P. No.4147 of 2015 in W.P. No.2061 of 2015 and W.P.M.P. No.37798 of 2015 and W.V.M.P. No.4159 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

30-11-2015

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