

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14235 of 2015

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in trying to demolish the petitioner's building located at D.No.4-3-21A (Old D.No.4-3-19) of Chittinagar Main Road, Vijayawada, Krishna District, under the guise of expansion of Errakatta by-pass, without issuing any notice and without following due procedure, as illegal and arbitrary.

It is the case of the petitioner that he is the absolute owner and possessor of the aforementioned property and that earlier, he filed W.P.No.2735 of 2012, which was disposed of by this Court by order, dated 03.02.2012, directing the respondents therein to follow due procedure as envisaged under law in the event the petitioner's property is required for the purpose of widening the center at Chittinagar Circle, Vijayawada, Krishna District. The grievance of the petitioner is that in spite of the said order, the respondents are trying to demolish his property by initiating emergency steps without issuing any notice. Hence, he filed the present Writ Petition.

Sri T.Balaswamy, learned Standing Counsel for respondent No.3, on instructions, submitted that earlier, the petitioner filed W.P.No.2735 of 2012 which was disposed of by this Court; that respondent No.3 is not taking any steps for demolition of the petitioner's property; and that respondent No.3 will follow due process of law if the petitioner's property is required for public purpose.

The aforesaid submission of learned Standing Counsel is placed on record and the Writ Petition is, accordingly, disposed of directing the respondents not to demolish the petitioner's property without following due process of law.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.18643 of 2015 is disposed of as infructuous.

JUSTICE A.RAJASHEKER REDDY

07th May, 2015

DR

