

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14259 OF 2015

DATED: 09.06.2015

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Between:

Mahankali Kameswara Rao

.. Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department, Secretariat buildings, Hyderabad,

and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.14259 of 2015

ORDER:

This writ petition was filed assailing the action of the revenue and municipal authorities in attempting to demolish the petitioner's property situated at H.No.8-5-31/35, Benerjeepeet, Opposite Buddha Park, Gajjalavari Cheruvu, Eluru, West Godavari District, without following the due procedure laid down by law.

By interim order dated 07.05.2015, this Court took note of the fact that there was an immediate threat of demolition and dispossession and directed status quo obtaining as on that date with regard to the subject property to be maintained.

No counter-affidavit has been filed till date and the learned counsel appearing for the revenue and municipal authorities stated that they are yet to receive instructions in the matter.

However, this Court is of the opinion that the matter need not be kept pending as the petitioner filed documents in proof of his possession over the subject property. The property tax receipt issued by the Municipal Administration Department and the licence fee payment receipt for operating a pan shop in the subject property are placed on record and these documents evidence the possession of the petitioner.

In that view of the matter, the authorities cannot interfere with the possession of the petitioner over the subject property, even if warranted, except in accordance with the due procedure laid down by law. The revenue and municipal authorities are accordingly directed to take recourse to the due procedure laid down by law in the event they seek to interfere with the possession of the petitioner over the subject property.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

9th June, 2015

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