

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8962 of 2015

Date: 31-03-2015

Between:

Natukala Koteswara Rao

.... Petitioner

AND

The Markapur Municipality, represented by its

Commissioner, Markapur, Prakasam District

.... Respondent

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8962 of 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of the respondent in threatening to demolish the structure of the petitioner situated at D.No.6/438-B, Kotha Makret, Markapur, Prakasam District as illegal, arbitrary and contrary to the orders passed in W.P.No.6635 of 2006 dated 04-04-2006 and for a consequential direction to the respondent not to demolish the structures of the petitioner without initiating proceedings under the law.

2. The grievance of the petitioner is that he is owner of the shop bearing D.No.6/438-B, Kotha Market, Markapur, Prakasam District, having purchased

the same under a registered sale deed dated 25-10-1995 and the said building has been assessed to municipal tax and his name was mutated in the municipal records as owner of the property. Earlier, when the respondent Corporation intended to widen the road and made markings without following due procedure, the petitioner filed W.P.No.6635 of 2006 and this court disposed of the said writ petition on 04-04-2006 directing the respondent Corporation not to demolish the structures and take any portion of the property of the petitioner without following due process of law either by way of private negotiations or by way of acquiring the said land by initiating proceedings under the Land Acquisition Act, 1894. It is stated that the staff of the respondent Municipality have made marking on the shop of the petitioner for the purpose of improvement of drainage facilities and the respondent Municipality is taking steps to demolish the structures in the premises 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 Nimmagadda Venkateswarlu, learned standing counsel for the respondent Municipality, stated on instructions that already there is 100 feet wide road wherein the drainage is being laid and any portion of the building of the petitioner will not be affected at all by laying the said drainage.

4. Recording the said statement of the learned standing counsel for the respondent Municipality, the writ petition is disposed of. It is made clear that if at all the property of the petitioner is necessary for widening the road or for any other purposes, the respondent would follow the due procedure under the law. There shall be 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

Date: 31-03-2015

Note: Issue C.C. tomorrow.

B.O./Ksn