HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.42596 of 2015

Date:30.12.2015

Between:
Addanki Ramamohana Rao,
S/o A.Venkateswara Rao

..... Petitioner

And:
The State of A.P., reptd., by its
Principal Secretary, Department of
MA & UD, Hyderabad
and five others.

.....Respondents

Counsel for the Petitioner: Mr. Kiran Tirumalasetty
For M/s Pillix Law Firm

Counsel for Respondent No.1: GP for Municipal Admn. (AP)

The Court made the following:
ORDER:

This Writ Petition is filed for the following substantive reliefs:

> "….. to issue a writ order or direction, one more particularly in the nature of "Writ of Mandamus" seeking, (a) to declare the action of the Respondent Nos. 2 to 4 in demolishing the building in the subject premises bearing D.No.5-6-3, Opposite to Sri Kotha Ammavari Temple, Chittinagar Center, Kotthuru

Tadepalli Road, Vijayawada Urban Mandal, Krishna District which is in possession and occupation of the Petitioner as being illegal, arbitrary, unconstitutional and in violation of provisions of HMC Act, 1955 and in violation of principles of natural justice;

(b) to direct the respondents herein not to interfere with the peaceful possession and occupation of the Petitioner pertaining to and over the subject premises bearing D.No.5-6-3, Opposite to Sri Kotha Ammavari Temple, Chittinagar Center, Kotthuru Tadepalli Road, Vijayawada Urban Mandal, Krishna District; and

(c) to direct the respondents to adequately compensate the petitioner towards the illegal demolition which has caused damage to the equipments, items and raw material placed in the building premises."

At the hearing, Mr. Kiran Tirumalasetty, learned counsel appearing for the petitioner, has not disputed that the building which was in occupation of the petitioner was already demolished. Therefore, no relief in favour of the petitioner can be granted in this Writ Petition. However, if the demolition is in violation of law, the petitioner is entitled to avail the common law remedy of filing a civil suit against all the respondents and claim reliefs such as damages, mandatory injunction, etc.

In this view of the matter, without expressing any opinion on the merits of the case, the Writ Petition is dismissed with liberty to the petitioner to avail appropriate legal remedies.

As a sequel to dismissal of the Writ Petition, WPMP.No.54922 of 2015 is dismissed as infructuous.

_____

JUSTICE C.V.NAGARJUNA REDDY

30th December, 2015
DR