

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 14711 OF 2014

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent authorities in trying to demolish the building premises bearing door No.33-1-57, Main Road, Kakinada, East Godavari District, without issuing any notice or opportunity as illegal and arbitrary.

2. It is the case of the petitioners that they are tenants of premises bearing door No.33-1-57, Main Road, Kakinada, East Godavari District and obtained the said premises on lease for a period of 15 years and the same is still in force for the year 2014-2015. It is stated that the authorities of the 2nd respondent visited the premises on 24.05.2014 and attempted to demolish the property in question under the guise of road extension, without serving any notice on the petitioners. Aggrieved by the same, the present writ petition is filed.

3. Counter affidavit is filed by the 2nd respondent stating that they never threatened to demolish the subject premises. It is stated that as per the Master Plan prepared in the year 1975 the main road ought to have been of the width of 80 ft and therefore, in view of the raise in the vehicular traffic, population rate and establishment of industries, it is proposed to widen the roads in Kakinada including the main road in accordance with the sanctioned Master Plan, which is beneficial to the general public. It is stated that this respondent is not going to demolish any property in violation of any law or any orders of this Court.

4. Heard learned counsel for the petitioner and learned Standing Counsel for the 2nd respondent Corporation.

Recording the averments in the counter affidavit of the 2nd respondent, this writ petition is disposed of directing the 2nd respondent not to demolish the subject premises without following due process of law. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand dismissed.

09.02.2015.

A.RAJASHEKER REDDY, J

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