

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.29147 of 2015

-

09.11.2015

Between:

D.Govindan and another

.. Petitioners

and

The State of Andhra Pradesh,

represented by its Principal Secretary,

Municipal Administration and Urban Development,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.L.Shantaram for Mr.Narasimhulu Parise

Counsel for respondent No.1: Government Pleader

for Municipal Administration and Urban Development (AP)

Counsel for respondent Nos.2 and 3: Md.Saleem,

standing counsel for Municipalities

The Court made the following:

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed with the grievance that respondent Nos. 2 and 3 have been unduly interfering with the petitioners’ possession of structures pertaining to property bearing door No.17-151 in 17th ward, Sy.No.308/15 situated in Newpet, Palamaner Town, Chittoor District, without following due process of law.

The petitioners pleaded that they were granted patta over the abovementioned property and that after obtaining permission from the erstwhile Gram Panchayat of Palamaner on 13.05.1980, a building was constructed therein. Their grievance is that at the instance of third parties, respondent Nos.2 and 3 have been trying to demolish their structures without following due process of law.

Mr.Md.Saleem, learned standing counsel for Municipalities appearing for respondent Nos.2 and 3, on instructions, submitted that there is a dispute between the petitioners on the one side and certain residents of the locality on the other side, on the petitioners’ using a Government site, wherein they have been running an automobile shop and that in that context, respondent No.2 has addressed a letter to the District Collector, Chittoor, to inform whether patta was granted to the petitioners. He has, however, fairly submitted that no pucca construction is raised in the plot in

question and that respondent Nos.2 and 3 have not been trying to interfere with the temporary structures.

In the light of the above instructions of the learned standing counsel, the Writ Petition is disposed of with the direction to respondent Nos.2 and 3 not to take coercive steps against the petitioners unless the procedure prescribed under the Andhra Pradesh Municipalities Act, 1965, is followed.

As a sequel to disposal of the writ petition, W.P.M.P.No.37786 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th November, 2015

GHN