

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.20542 of 2006

ORDER

The petitioners are residents of Ameenapet, Ashok Nagar Road, Eluru. The Eluru Municipality was upgraded as Municipal Corporation. In order to widen the roads, the respondent-Corporation made markings on both sides of the roads. When the petitioners were apprehending that the first respondent would demolish their properties without following due process of law, the present writ petition was filed.

After several adjournments, the first respondent filed a counter-affidavit stating as follows:

“It is submitted that the Government land exist on both sides of the Ashok Nagar and it is covered with encroachments. And it is also true that the Revenue Department regularized the encroachments duly issuing pattas to these encroachments. It is true that the Ashok Nagar road width have been reduced from 80'-0' to 60'-0' in the Master plan as per Memorandum No.407/12/87-MA, dt. 31.7.87. It is not true that the boundary stones on either side have been fixed as per the dimensions since no boundary stones will be fixed at any where while sanctioning the master plan.

It is submitted that the red marking have been done on both sides equally to the existing available road width. The Municipal Authorities have not demolished any compound wall of the petitioners. The Municipal Authorities have marked the road widening portion equally on both sides to the existing available road width. The Municipal Corporation will follow due process of Law as per the orders of the Hon'ble High Court if the demolition work taken up.”

In view of the undertaking given by the first respondent that it would follow due process of law, when demolition is taken up, this Writ Petition is closed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

1st November, 2016
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