

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16660 of 2012

ORDER:

The petitioners claim that they are the absolute owners of the property of an extent of 493 square yards situated in 28th ward of Tadepalligudem. A part of the said property was their ancestral property. The entire property was covered by a compound wall. While so, the officers of respondent No.2 came to the shops on 25.05.2012 and directed the tenants to vacate the shops by stating that they would demolish the sheds and put some markings on the wall. When the petitioners enquired, they came to know that the road will be widened and as such markings were made for the purpose of widening of the road. The petitioners state that without issuing any notice the respondents are trying to demolish a portion of the property for the purpose of widening of the road. The petitioners further state that a Division Bench of this Court in the case of **Pilli Lakshmana Rao v. Executive Officer, Gram Panchayat, Challapalle**¹ and followed by two learned single Judges in the decisions of **Manga Madhavalatha v. Rajahmundry Municipality**² and **P.Rama Murthy v. Municipal Corporation of Hyderabad**³ held that if the respondents want to take any portion of the private property for the purpose of road widening, they have to take

¹ 2000 (5) ALT 246

² 2001 (2) ALT 482

³ 2003 (5) ALD 326

appropriate steps in accordance with law. Without following the said law, the respondents have been taking steps to demolish a portion of the property for the alleged purpose of road widening.

This Court by order dated 07.06.2012 directed the respondents not to dispossess the petitioners from the property bearing Door No.12-21-7/2 situated at 28th ward, Tadepalligudem Town, West Godavari District without following due process of law. No counter affidavit is filed till today.

In the circumstances and in view of the facts stated above, this Writ Petition is disposed of making the interim order dated 07.06.2012 as a final order. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

18.10.2016
MVA