

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11710 of 2016

ORDER:

Heard Sri N. Ranga Reddy, learned counsel for the petitioner, and Sri Md. Saleem, learned Standing Counsel for the second respondent – Hindupur Municipality.

The prayer of the petitioner in this case is as under:

“It is prayed that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring the action of Respondents No.2 & 3 in seeking to demolish the petitioner's shop covered by Premises No. 4-2-141/A in T S No. 130 situated in D B Colony, Lepakshi Main Road, Hindupur Town, Ananthapuram District, as illegal, arbitrary and violative of Art 300 A of Constitution of India and to consequently direct the Respondents not to interfere / demolish the above shop of petitioner ; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.”

It appears that the brother of the petitioner earlier filed W.P.No.14383 of 2010 in relation to the very same property and this Court granted interim stay of demolition of the shop in question. The petitioner now claims that his brother executed Gift Deed No.122 of 2016 dated 08.02.2016, whereby he has now become the owner of the property. In any event, the municipal authorities would be bound to adhere to the lawful procedure, if they seek to interfere with the possession and enjoyment of the petitioner over the subject property.

The writ petition is accordingly disposed of directing the respondent authorities not to interfere with or seek to demolish the subject property except in accordance with the due procedure laid down by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:11.04.2016

Note: Furnish C.C. in three days.

(B/o) GJ