

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7481 OF 2013

O R D E R

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

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in taking steps to demolish the premises of the petitioner bearing Door No.19-1-60, Main Road, Peddapuram, East Godavari District without recourse to law as illegal, arbitrary and violative of the principles of natural justice and also the fundamental rights guaranteed under the Constitution of India consequently direct the respondents not to interfere with the possession and enjoyment of said property of the petitioner and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.”

By order dated 13.03.2013, this Court granted interim direction not to demolish the petitioner's premises bearing Door No.19-1-60 situated at the Main Road, Peddapuram, East Godavari District, provided the construction was over an extent of 80 square yards. The respondent Municipality was however given liberty to proceed against any construction which was in excess of the said extent of land.

Despite the lapse of over three years, the respondent Municipality has not chosen to file a counter-affidavit.

As the issue raised in this writ petition is with regard to the construction made by the petitioner, the writ petition is disposed of

leaving it open to the respondent Municipality to take action, if warranted, in accordance with the due procedure. Without taking recourse to the procedure laid down by law, it shall not be open to the respondent Municipality to resort to demolition straightaway. The interim order is accordingly vacated subject to the above observations.

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

23rd SEPTEMBER, 2016

PGS

SANJAY KUMAR, J

