

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36755 OF 2016

ORDER:

This writ petition is filed questioning the action of the 1st respondent-Corporation in taking steps to proceed with demolition of the building of the 2nd respondent situated in Kandulavari street, Vijayawada, in which the petitioners are in occupation.

It is the case of the petitioners that the 2nd respondent is the owner of the building in question and the petitioners are the tenants in the said building. Some of the petitioners are running business in the ground floor of the building and some of the petitioners are in occupation of the first floor of the premises by using the same as godown and the 12th petitioner is residing in a portion of the first floor. While things stood thus, the 2nd respondent started demanding the petitioners to vacate the premises to remove the building by using the powers vested with the 1st respondent under the provisions of Section 456 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, "the Act") even without giving sufficient time to search the alternative accommodation. Hence, the present writ petition.

Sri R. Sudheer, learned standing counsel for the Corporation submits that there is an alternative remedy of appeal available to the petitioners under Section 654(6) of the Act and the petitioners can avail the same by filing the appeal.

In view of the submission made by the learned standing counsel, the writ petition is disposed of giving liberty to the petitioners to avail the alternative remedy of appeal under the provisions of the Act. As only 24 hours time is granted for evicting the premises by the petitioners, there shall be interim direction to the officials of the 1st respondent-Corporation subject to condition the petitioners filing appeal before the competent authority within a period of seven days from the date of

receipt of copy of this order. Till such time, the appeal is filed by the petitioners, there shall not be any coercive steps taken against the petitioners.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated:27.10.2016

Note: Issue CC in two days.

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