

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.13698 of 2012

ORDER:

It is the case of petitioner that one Munjuluri Venkata Subba Rao was the owner of house bearing No.6-1-30/3 situated at N.T.S. No.670, Chittinagar, Vijayawada in the land admeasuring 70 square yards. The said Munjuluri Venkata Subba Rao constructed four small shops on the ground floor and four shops with same length on the first floor while keeping the cellar portion vacant for the purpose of parking. The said property was purchased by the petitioner under a registered Agreement of Sale-cum-General Power of Attorney dated 13.08.2004. Since then he has been in possession of the same. He has been paying the property tax also. The respondent authorities wanted to widen the road leading from Milk Project road to Yerrakatta road at Chittinagar Junction, for which they wanted to demolish certain houses/shops abutting the said road in 20 feet width on the southern side of junction, whereas the shops of petitioner are situated on the northern side to the said junction and to the Yerrakatta road. Appropriate notices were issued by the respondent authorities to the persons to be affected on 30.01.2012. It is the case of petitioner that when the affected persons brought some pressure on the respondent authorities, the respondent authorities wanted to widen the road on the other end also. In view of the same, the respondent Corporation issued notices to the owners of the other side also

including the petitioner on 26.04.2012 for demolition of a portion of the property. In the notice, it was stated that the house was constructed unauthorisedly in the encroached land and the same is denied by the petitioner. The petitioner submitted his explanation on 28.04.2012 and apprehending the demolition, he approached this Court by filing the present writ petition.

This Court, by order dated 11.05.2012, granted interim stay of all further proceedings in pursuance of the proceedings dated 26.04.2012 issued by the respondent including demolition and dispossession from the property belonging to the petitioner. The said order has been in operation till today. No counter affidavit is filed in the writ petition.

Learned counsel for the petitioner submits that though the explanation was filed by the petitioner earlier on 28.04.2012, it was found to be not complete and proper and the petitioner wants to supplement the same by another explanation.

In the circumstances, giving liberty to the petitioner to submit a supplementary explanation to the notice dated 26.04.2012 within two (2) weeks from the date of receipt of a copy of this order, and leaving it for the respondent to consider the same and take appropriate action in accordance with law, this Writ Petition is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

18.10.2016
MVA

