

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.12542 OF 2016

ORDER

Heard Sri M.Karibasaiah, learned counsel representing Sri Karanam Ravi Sankar Babu, learned counsel for the petitioner, and Sri Mohd. Saleem, learned standing counsel for the Madakasira Municipality.

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

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue an order or writ one in the nature of Writ of Mandamus, declaring the action of the respondents 2 and 3 in taking steps to demolish the petitioner's house bearing H No. H No. 13-134 admeasuring 2 ½ cents in Sy No. 419/1/ A situated at Girls High School Street, Madakasira, Ananthapur District without following due process of law is as illegal, arbitrary and against the principles of natural justice and also violation of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the respondents to pay the compensation to the petitioner house bearing H No. 13-134 admeasuring 2 ½ cents in Sy No. 419/1/A situated at Girls High School Street, Madakasira, Ananthapur District and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.’

The petitioner filed a property tax receipt and an electricity bill in proof of his possession over the subject house property. He apprehends that the municipal authorities would resort to coercive steps for demolition of his house property for the purpose of road widening.

Sri Mohd. Saleem, learned standing counsel, would however state that only a survey was carried out and markings are yet to be made. He would state that the municipal authorities would follow the legal procedure.

In that view of the matter, the writ petition is disposed of directing the respondent municipality to adhere to the due procedure laid down by law in the event any interference is required with the petitioner’s house

property in the process of the proposed road widening. Pending miscellaneous petitions shall stand closed in the light of this final order.
No order as to costs.

SANJAY KUMAR, J

18th APRIL, 2016
PGS