

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17903 of 2018

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the 2nd respondent Corporation in threatening to demolish the structures raised for establishment of Milk Parlour in the land situated adjacent to Sarvepalli Canal, Rammurthy Nagar, Opp. to District Central Co-operative Bank Limited, By-pass Road Area, Nellore Town, without issuing any notice and without following the procedure contemplated under the statute, as illegal and arbitrary. A consequential direction is also sought to the 2nd respondent not to take any coercive steps without following the due process of law.

Heard Smt M.Suguna, learned counsel for the petitioner and Sri A.Pandu Ranga Rao, learned standing counsel for the 2nd respondent corporation.

It has been contended by the petitioner that Vijaya Dairy Development Corporation had proposed to establish its outlet of milk products in Nellore town. With a view to take agency from the Vijaya Dairy Development Corporation, he made an application for grant of an outlet and permission was granted in favour of the petitioner. Pursuant to the permissions given by the Vijaya Dairy Development Corporation and the Irrigation Department, the petitioner raised suitable structures and the process is at the verge of commencement of business. While so, the officials of the 2nd respondent corporation came to the premises of the petitioner and threatened to demolish the structures and demanded to stop the

work without assigning any reason. Hence, the present petition is filed.

Learned Standing counsel appearing for the 2nd respondent corporation had contended that the 2nd respondent would not demolish or interfere with the petitioner's property without following the due process of law.

This Court having considered the submissions made by the parties is of the considered view that the writ petition can be disposed of with a direction to the 2nd respondent not to interfere or dispossess the petitioner or demolish the structures erected by the petitioner without following the due process of law.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed.

17th May, 2018
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ABHINAND KUMAR SHAVILI, J

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