THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7768 OF 2013

O R D E R

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

> "For the reasons stated in the accompanying affidavit the petitioners prayed that this Honourable court may be pleased to issue a Writ, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing the impugned proceedings under Notice dated 13-03-2013 for removal of the steps in the house property in her house property bearing D.No.12-38 to 42, Javiliveedhi, Palamaner, Chittoor District without following due process of law as arbitrary, illegal and unconstitutional and set aside the same and consequently direct the respondent not to take any receive steps including demolition of the steps to the schedule building without passing orders and pass such other or further orders as this Honourable court may deem fit and proper in the circumstances of the case."

By order dated 15.03.2013, this Court directed the respondent authorities not to remove the existing steps in the petitioner's house property bearing Door No.12-38 to 42, Javiliveedhi, Palamaner, Chittoor District, without following the due procedure laid down by law.

Though Sri Md. Saleem, learned counsel appearing for the Palamaner Municipality, would state that a counter-affidavit has been filed indicating that the construction of the steps was made on the drainage and is therefore illegal, this Court is of the opinion that it is wholly unnecessary to adjudicate the matter on merits as it is for the municipal authority in the first instance to initiate

action, if necessary, in accordance with the due procedure in relation to any unlawful or unauthorized constructions made by the petitioner.

Giving liberty to the respondent Municipality to take appropriate steps in this regard in accordance with the due procedure laid down by law, the writ petition is closed.

Interim order dated 15.03.2013 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR,J

17TH SEPTEMBER, 2016

PGS