

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.8469 OF 2016

ORDER

Heard Sri Ramachandra Rao Gurram, learned counsel for the petitioner, and Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the first respondent Municipality.

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

“For the reasons and circumstances stated in the accompanying affidavit filed by the petitioners in support of the aforesaid Writ Petition, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, or order, or direction in the nature of a Writ, declaring the action of the respondents in proposing to demolish constructions in the premises bearing Door No.23-959 situated in D.No. 273/D of Vinukonda village and Mandal, Guntur District belonging to the petitioner without following due process of law as arbitrary, illegal and violative of the rights of the petitioner guaranteed under Articles 14 and 300-A of the Constitution of India and consequently direct the respondents not to resort for any demolition of the said property of the petitioner without following due process of law and to pass such other appropriate order or orders as may be deemed fit and proper in the circumstances of the case and in the interests of justice.”

The petitioner apprehends that the municipal authorities would resort to demolition of the constructions made by him at the subject premises.

Sri Nimmagadda Venkateswarlu, learned Standing Counsel for the first respondent Municipality, would however submit that the petitioner and others illegally encroached upon the road portion but the Municipality would take action only in accordance with the due procedure.

The writ petition is therefore disposed of directing the municipal authorities to adhere to the due procedure laid down by law in the event

any action is warranted against the constructions made by the petitioner at the subject premises.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

15th March, 2016

Note:-

Issue CC today.

B/o

PGS