

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39152 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of respondents 3 & 4 in attempting to demolish the shopping complex of the petitioner bearing No.10-1-18 to 27, Mydukur Main Road, Badvel, YSR District, without issuing any notice and without passing any order and even without deciding the centre of the road, as illegal and arbitrary, and consequently direct the respondents not to demolish the shopping complex of the petitioner.

Heard and perused the material available on record.

The grievance of the petitioner is that the petitioner is the absolute owner of the subject shopping complex and that respondents 3 & 4 made marking of nearly 3 meters of the subject shopping complex recently and from 09.11.2016, respondents 3 & 4 are making hectic efforts to demolish the subject shopping complex even without issuing any notice and even without acquiring under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, or under National Highways Act, 1956 and without following the due process of law.

The petitioner could not able to substantiate the same by way of producing any documents before this Court, but the petitioner has stated in his affidavit that respondent officials are marking the place in order to demolish the subject shopping complex building. Hence, the petitioner apprehend that respondents 3 & 4 may demolish the subject building of the petitioner and the petitioner prayed this Court to direct

respondents 3 & 4 to follow due process of law, if respondents 3 & 4 want to demolish the subject building of the petitioner.

In any event, since the petitioner apprehends that the subject building may be demolished by respondents 3 & 4 without following the due process of law, respondents 3 & 4 are directed to proceed further by following the due process of law.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 14th November, 2016

KL

