

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.16987 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief :

“declaring the action of the respondents in taking steps to demolish house/building bearing D.No.75-14-207 (old 175/2), situated at Masjid Street, Bhavanipuram, Vijayawada, Krishna District without issuing any notice or following the procedure contemplated under law and without issuing any Land Acquisition Proceedings is arbitrary, illegal and violative of Article 14, 21 of the Constitution and also violation of principles of natural justice and consequently direct the respondents not to demolish the petitioner's house/building without following the due procedure contemplated under law.”

2. In the affidavit filed in support of the petition, it is stated that the petitioner is the owner of aforesaid house and is paying taxes regularly. While so on 30.05.2016, the staff of 3rd and 4th respondent authorities came to the house of the petitioner, took measurements of the house and directed him to vacate the house intimating that they are going to demolish the house due to coming Krishna Pushkarams. Again on 31.05.2016 the staff of 3rd and 4th respondent authorities came to the petitioner's house and removed the structures. When the petitioner insisted for notice before taking over the land, he was warned. Hence, the writ petition.

3. Learned counsel for the petitioner would submit that the action of respondent authority in trying to dispossess the petitioner without following due to process of law is illegal and improper.

4. Learned Assistant Government Pleader for Revenue appearing for the respondents submits that the averments made in the affidavit are

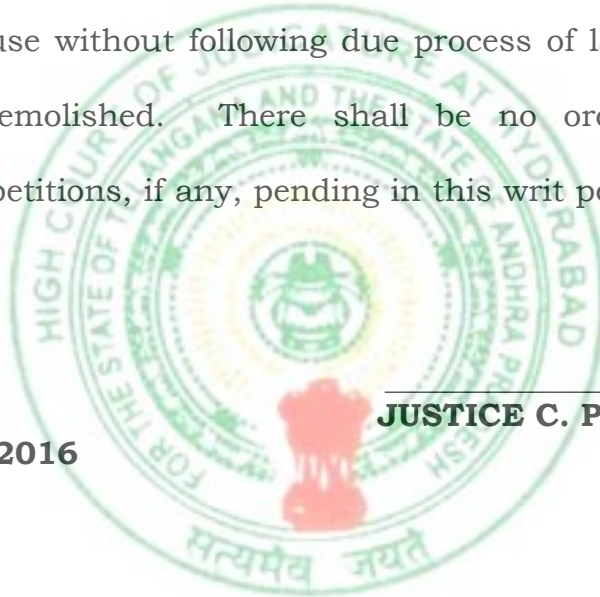
all false and if the respondents require the petitioner's house for the purpose of Krishna Pushkarams, they will follow due process of law.

5. By an order, dated 01.06.2016, this Court while issuing notice before admission, directed the respondents not to evict the petitioner from the subject property without following due process of law.

6. Having regard to the grievance expressed by the petitioner and also taking into consideration the facts and circumstances of the case, the Writ Petition is disposed of directing the respondents not to take any coercive steps of dispossession/demolition of the petitioner from the subject house without following due process of law, if not already dispossessed/demolished. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

OCTOBER 19, 2016
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JUSTICE C. PRAVEEN KUMAR



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Date:19.10.2016

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