

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 12666 of 2012

Order:

The petitioner claims to be the owner and possessor of commercial shops in building bearing Door No.13-5-4/2, R.S. Street, Kakinada main road, East Godavari district, having purchased the same under a registered sale deed dated 23.08.2001. When the officials of the second respondent Corporation visited the area, apprehending highhanded demolition of the building for the alleged purpose of road widening, the present Writ Petition was filed.

This Court, by an order dated 26.04.2012, granted interim stay of demolition of premises in question except in accordance with law.

No counter affidavit is filed by the respondents till today.

The petitioner states that he is having 50.2 sq. yards of property and he has been paying the property tax. He also states that a public meeting of the shop owners was called for by the second respondent Corporation in the month of March 2012 and they agreed for demolition of the properties provided compensation is paid to them, but the Commissioner expressed his inability as sufficient funds were not available and he sent proposals to the Government for payment and assured that till funds are received no action would be taken. Contrary to the said assurance they supplied a printed format containing an undertaking that they will not claim any compensation and they refused to sign the same. They also submitted a representation to the first respondent. In spite of the same, when the second respondent sent his men on 23.04.2012 for

demolition of the building of the petitioner, the above Writ Petition was filed.

In the facts and circumstances of the case, since this Court is *prima facie* satisfied with regard to title and possession of the petitioner, the property of the petitioner shall not be interfered with except in accordance with law.

The Writ Petition is, accordingly, allowed to the extent as indicated above. There shall be no order as to costs. The Miscellaneous Petitions pending, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 18.10.2016
Nsr

