

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-
WRIT PETITION NO.13912 OF 2016

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ORDER

Heard Sri P.R.Balarami Reddy, learned counsel for the petitioners and Sri Mohd. Saleem, learned standing counsel for Madakasira Nagara Panchayat.

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

'For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order of direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 5 in taking steps to demolish the petitioner's house properties D.No. 4/282 C to E, D. No. 4/273 A, D.No. 4/281C to H, and D.No. 4/271 A to G, to the extent of 20 cents in Sy.No. 380-1A of Madakasira Town, Ananthapuram Dist without following due process of law as illegal, arbitrary and against to the principles of natural justice and also violation of articles 14,19, 21 and 300-A of constitution of india and and pass such other order or orders has this Hon'ble court deem fit and proper in the circumstance of the case.'

Sufficient documents have been placed on record in proof of the petitioners' possession. That being so, it is not open to the municipal authorities to interfere with such possession even in the context of a public purpose without following the lawful procedure.

The writ petition is accordingly disposed of directing the respondent authorities not to interfere with the petitioners' properties without following the due procedure laid down by law. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

27th APRIL, 2016

PGS