

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.36822 of 2012

ORDER:-

This writ petition is filed for the following relief:

“to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring action of the respondents in highhandedly attempting to dispossess the petitioner and his family from his property bearing No.45-2-60/58/9 and 45-2-60/58/9/1 Ramahandranagar, Akkayyapalem, 80 feet Road, Visakhapatnam and also attempting to demolish the said property without issuing any notice and without conducting any enquiry and without passing any orders, as arbitrary, unjust, *malafide* and against the principles of natural justice and contrary to the procedure contemplated under Law and also in violation of Constitutional rights guaranteed under Article 14 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with petitioner's possession and enjoyment of the property house bearing No.45-2-60/58/9 and 45-2-60/58/9/1, Ramahandranagar, Akkayyapalem, 80 feet Road, Visakhapatnam without following due process of law.”

During course of hearing, on behalf of the respondents, it is submitted that the respondents have no intention to dispossess the deceased petitioner and his family highhandedly from the property in question, and this Court on 29.11.2012 directed the respondents that the structure or building standing on the site belonging to the petitioner shall not be demolished. Subsequently, on 06.12.2012 this Court recorded the undertaking given by respondents Nos.2 & 3 that no structures belonging to the petitioner have been ordered for demolition or dispossession, and the respondents would also not take any such measures without following due process of law and without providing an opportunity of hearing to the petitioner.

In view of the interim order and subsequent undertaking given by respondents Nos.2 and 3, the Writ Petition is disposed of, directing the

respondents not to interfere with the possession and enjoyment of the petitioners over the subject property, without following due process of law.

No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

M.S.K.JAI SWAL, J

Date: 10.11.2017
Dsr

