

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22169 OF 2017

ORDER:

The case of the petitioner is that he is the owner of 122.33 square yards bearing old D.Nos 10-1-170, 171 in Ward No.14 vide Assessment No.7624 with new Nos 20-1-8 and 9 by virtue of registered document No.542/1979, dated 06-04-1979 from his vendors Vepaka Sriramachandra Murthy and Vandanapu Munirathnam for a valid consideration of their undivided share in the same tiled house vide registered document No 672/1980, dated 04-05-1980 from Gade Subhadramma and Batchu Chanti for a valid sale consideration. The petitioner also purchased undivided share in the above old tiled house registered document No.2708/1981, dated 11-09-1981 from Cheemakurthi Mangavalli Tayaru and three others for a valid sale consideration and also purchased the remaining undivided share in the old tiled house vide document No.2312/1982, dated 22-07-1982 from Repaka Appala Narasimham and three others for a valid sale consideration. Since then, the petitioner is in peaceful possession and enjoyment of the above property. Subsequently, as the said tiled house is in dilapidated condition the petitioner has constructed a building by obtaining permission from the 2nd respondent and he is residing with his family. The 2nd respondent herein

allotted D.No.20-1-9/4 and the petitioner has been paying property tax regularly. It is further stated that in the year 1990, the petitioner has voluntarily given some extent of land to a tune of 10 square yards for road widening and the 2nd respondent constructed drainages on either side of the road. The petitioner has purchased a small shop in an extent of 20.7 square yards at D.No.19-1-3, vide assessment No.10426 in Ward No.14, Main Road vide document No.1760/1985, dated 08-05-1985 from his vendor Bangaru Hanumantha Rao and others for a valid sale consideration. Presently, the petitioner's son is having an electronic shop in the said premises and the 2nd respondent allotted D.No.19-1-3 and collecting property tax. The respondent 2 and 4 came to residential house and shop and have taken measurement of the road for road widening from 40" to 60" feet without issuing any notice. Aggrieved by the same, the present writ petition is filed.

On the other hand, learned Standing Counsel appearing for the 2nd respondent submits that measurements are taken for preparing road development plan for developing roads and other amenities. As on today, there is no proposal for demolition of any structures and only the survey is conducted and measurements are taken and basing on the road development plan, action

will be initiated. As and when, action is initiated, the respondent-authorities will issue notice to the affected parties and take action after following due process of law.

In view of above facts and circumstances of the case and submission made by Standing Counsel, the writ petition is disposed of directing the respondents not to demolish the structures of the petitioners without following due process of law. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

06-07-2017

Note:

Issue C.C. by Tuesday.

B/o.

Nvl



A.RAJASHEKER REDDY,J



