

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20171 OF 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in trying to demolish the house building of the petitioners situated in Sy.No.1959/2, Assessment No.871, 5th Ward (presently Ward No.20), Door No.5-51, Narayanaraopeta of Atmakur, Atmakur Mandal, S.P.S.R. Nellore District is arbitrary, illegal, without jurisdiction, in violation of principles of natural justice and also in violation of the procedure contemplated under the Land Acquisition Act and consequently direct the 2nd respondent not to demolish the above said house building situated in Sy.No.1959/2, Assessment No.871, 5th Ward (presently Ward No.20), Door No.5-51, Narayanaraopeta of Atmakur, Atmakur Mandal, S.P.S.R. Nellore District.”

2. Heard and perused the material available on record.
3. The main grievance of the petitioners is that on the ground of road widening, respondent No.2 Municipality is trying to demolish the aforesaid building of the petitioners without following the due process of law.
4. Learned Standing Counsel appearing for respondent No.2 Municipality stated that if the Municipality intends to take possession of the subject property, it will certainly follow the due process of law.

5. Recording the submission of the learned Standing Counsel, the Writ Petition is disposed of directing respondent No.2 Municipality not to demolish the aforesaid building of the petitioners without following the due process of law. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 21.06.2017
AMD



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