

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16675 OF 2017

ORDER:

The writ petition, under Article 226 of the Constitution of India, is filed seeking a writ of Mandamus to declare the action of the respondents 2 and 4 in interfering into the peaceful possession and trying to demolish the DOT stall No.4 of the petitioner situated in New RTC Bus Stand Complex, Gooty Town, Ananthapur District, without following due process of law and issuing notice to the petitioner, as illegal and arbitrary.

The case of the petitioner is that he is running an electronic goods shop in DOT Stall No.24, which was allotted to him by the 4th respondent-Depot Manager, APSRTC, Gooty. He entered into a licence deed on 07.04.2017, with the 4th respondent by paying security deposit. The petitioner also paid huge amount towards fixed and non-refundable deposit for construction of the shop. Subsequently, the petitioner erected a temporary tin shed in front of the said shop to protect the electronic goods from the sunlight and rains. On 25.04.2017, the respondents 2 and 4 visited the shop of the petitioner and informed him that they will demolish his shop since he erected the tin shed which in violation of the building.

Learned Government Pleader for Municipal Administration submits that the allegations made by the petitioner are false and if there are any violations, the 2nd respondent authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel, without expressing any opinion on the merits, this Court is inclined to pass the following order:

The writ petition is disposed of directing the respondents not to demolish the shop of the petitioner except following the due process of law. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

June 15, 2017
KTL

