

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22939 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 2nd respondent in trying to remove the temporary Sun shade roof sheets shed raised in front of the house of the petitioner situated at Flat No.G-1, D.No.32-15-108/ 1, Vysya Bank Apartment, Dasari Lingaiah Street, Mogalrajapuram, Vijayawada City, Krishna District, as illegal and arbitrary, and consequently, direct the respondents not to interfere or remove the temporary sun shade roof sheets shed raised in front of the house of the petitioner.

The case of the petitioner is that he is the owner of Flat No.G-1 admeasuring 654 square feet, which is situated in ground floor of Vysya Bank Apartment. As there is a tree behind the said flat and some worms and leaves of the tree are falling in front of the flat of the petitioner, he erected a temporary shed with sun shade roof sheets in front of the said flat. While so, on the complaints made by some of the flat owners of the said building, the staff of the 2nd respondent Corporation visited the said flat on 07.07.2017 and directed the petitioner to remove the said shed. When the petitioner objected for same, they left the place with a warning to the petitioner to remove the said shed within a period of one week. The grievance of the petitioner is that without giving any notice and without following the due procedure, the 2nd respondent is trying to remove the temporary shed erected by the petitioner in front of his flat. Hence, this writ petition.

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the 2nd respondent authorities are making hectic efforts to demolish the temporary shed erected by the petitioner even without giving any notice to the petitioner at the instance of the other flat owners of the building.

Learned Standing Counsel for the 2nd respondent submits that the allegations made by the petitioner are false and the 2nd respondent authorities would follow the due process of law, if there are any unauthorized structures and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel, the 2nd respondent is directed not to interfere with or remove the shed raised by the petitioner in front of his flat i.e. Flat No.G-1, D.No.32-15-108/ 1, Vysya Bank Apartment, Dasari Lingaiah Street, Mogalrajapuram, Vijayawada City, Krishna District, without following due process of law.

With the above direction, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

July 12, 2017
KTL