

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15756 OF 2017

ORDER :

This Writ Petition has been filed seeking a *mandamus* to declare the action of the 2nd respondent in trying to demolish the house building of the petitioner situated at D.No. 2-54, New Assessment No. 232 and shop rooms situated at Door No. 2-20, A, B, C, Assessment No. 207, L.R. Palli, Atmakur Mandal, S.P.S.R. Nellore District, as arbitrary and illegal.

The case of the petitioner is that in 2015, when the officials of R&B Department tried to demolish his house and shop rooms under the guise of road widening, without following the procedure prescribed therefor, he has filed Writ Petition No. 105 of 2015, wherein this Court, *vide* Order dated 01.10.2015, directed the respondents therein not to demolish the house and shop rooms of the petitioners and not to take possession of the property except in accordance with law. Now, the grievance of the petitioner is that the 2nd respondent is threatening to demolish his house and shop rooms without even following the principles of natural justice, in the name of widening the road.

Heard learned counsel for the petitioner.

Learned Standing Counsel for the 2nd respondent Municipality, based on the written instructions, submits that the 2nd respondent authorities have never entered into the petitioner's house property and shop rooms and it is the Roads & Buildings Department, which is the competent authority to widen the road in Municipal Area.

In view of the written instructions, which are taken on record, the Writ Petition is disposed of directing the respondent authorities to follow the due process of law, if at all the property of the petitioner is required for the purpose of road widening. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

27th April 2017

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