

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23796 of 2012

ORDER:

This Writ Petition is filed by the petitioners under Article 226 of the Constitution of India seeking to declare the action of the respondents in part demolishing and proposing to further demolish the shops and residences of petitioners bearing Nos.12-50-1,15-104, 104A, 15-105, 20-95/13, 4-117/3 and 14-111, situated at Main Road, Akiveedu, West Godavari District, without issuing any notice either under provisions of the A.P. Panchayat Raj Act or Land Acquisition Act, 1894, as illegal, arbitrary and violative of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of shops and residences of petitioners bearing Nos.12-50-1, 15-104, 104A, 15-105, 20-95/13, 4-117/3 and 14-111, situated at Main Road, Akiveedu, West Godavari District, without following the due process of law.

2. Heard both sides and perused the material available on record.

3. The case of the petitioners is that the petitioners are owners and possessors of their respective shops and residences bearing Nos.12-50-1, 15-104, 104A, 15-105, 20-95/13, 4-117/3 and 14-111, situated at Main Road, Akiveedu, West Godavari District, and that on 27.07.2012, the 5th respondent along with his staff came to the premises of petitioners 2 and 3 and started demolishing the steps leading into their shops in the ground floor,

without issuing any notice calling for explanation nor initiated any proceedings under the Panchayat Raj Act or the Land Acquisition Act.

4. Learned counsel for the petitioners submits that the petitioners are apprehending that the 5th respondent may demolish the entire building premises of the petitioners in question even without following the due procedure of law.

5. Learned Government Pleader for Panchayat Raj and Rural Development appearing for respondents 1, 2 & 4 submits that the allegations made by the petitioners are false. If really the petitioners are to be evicted, the respondent authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

6. In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioners are in possession and enjoyment of their respective properties, their possession shall not be interfered with by the respondent authorities without following the due process of law.

7. Accordingly, the Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioners' shops and residences bearing Nos.12-50-1, 15-104, 104A, 15-105, 20-95/13, 4-117/3 and 14-111, situated at Main Road, Akiveedu, West Godavari District, except following the due process of law. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

RAJA ELANGO,J

Date: 31st August, 2017

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