

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 23001 of 2012 &
WRIT PETITION No. 23385 of 2012

COMMON ORDER:

Heard counsel for petitioners, and the Assistant Government Pleader, Panchayat Raj, for respondents.

2. The subject matter of these writ petitions covers the houses and commercial shops of petitioners, bearing Door Nos.1-21/ A, 15-60-A, 15-61, and 15-65 of Akividu village & Mandal, West Godavari district. The petitioners pray for mandamus declaring the threatened action of Respondents in demolishing the subject matter of writ petitions, as illegal, arbitrary and unconstitutional.

3. This Court directed respondents not to demolish the subject matter of the writ petitions till the next date of hearing. The interim direction in favour of petitioners is subsisting as on date.

4. The Respondent Nos.1 and 2 filed counter-affidavit, and on the complaint of threatened demolition, the reply of respondents reads thus:

“I submit that the Gram Panchayat has also passed a resolution on 13.07.2012 for removal of the encroachment portions on both the sides of the road. It is also resolved for removal of the buildings which are constructed without obtaining the permissions and also for removal of the buildings which are deviated from the approval plan. So far as the petitioner herein is concerned neither the Gram Panchayat has asked to remove nor touched the petitioner shop. The petitioner has filed the present writ petition only with an

apprehension. If it is necessary the Gram Panchayat definitely will issue notice to the petitioner under Section 98 of Panchayat Raj Act, 1994 and will follow the due process of law for removal of the encroachments if any made by the petitioner.”

5. From the above it is clear that the respondents propose to follow the procedure stipulated by law, in the event the subject premises are required for road widening. The statement is placed on record. The interim order, dated 25.07.2012 is made final order and as and when the respondents required the subject premises they are given liberty to proceed in accordance with law and acquire the same.

6. The writ petitions are disposed of accordingly. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

January 27, 2017
Kv

S. V. BHATT, J



THE HON'BLE SRI JUSTICE S. V. BHATT



WRIT PETITION No. 23001 of 2012 &
WRIT PETITION No. 23385 of 2012

January 27, 2017

Kv