

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15636 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 petitioners situated at D.No. 2-22, New Assessment No. 209, L.R. Palli, Atmakur Mandal, S.P.S.R. Nellore District, as arbitrary and illegal.

The case of the petitioners is that in 1997, during road widening programme, 4 Ankanams of their constructed building was demolished by the Roads & Buildings (R&B) Authorities. Again in 2015, when the officials of R&B Department tried to demolish the building under the guise of road widening, without following the procedure prescribed therefor, the petitioners submit that they have filed Writ Petition No. 110 of 2015, wherein this Court, *vide* order dated 01.10.2015, directed the respondents therein not to demolish the house of the petitioners and not to take possession of the property except in accordance with law. Now, the grievance of the petitioners is that the 2nd respondent is threatening to demolish their building without even following the principles of natural justice, in the name of widening the road.

Heard learned counsel for the petitioners.

Learned Standing Counsel for the 2nd respondent Municipality, based on the written instructions, submits that the 2nd respondent authorities have never entered into the petitioners' site 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 petitioners 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

ksld

