

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20288 OF 2017

ORDER:

The writ petition is filed challenging the action of the 2nd respondent in threatening to demolish shop No.15 in Premises bearing H.No.27-21-13, situated at Besant Road, Governorpet, Vijayawada, Krishna District, without any notice and without following due procedure contemplated under the statute, as illegal and arbitrary, and consequently, direct the 2nd respondent not to take any coercive steps without following the due process of law.

Heard and perused the material available on record.

The case of the petitioner is that she purchased the abovementioned shop from Sri Satya Enterprises, for a valid sale consideration, vide sale deed, dated 05.04.1983, and since then she is in peaceful possession and enjoyment of the same. While so, the Government issued G.O.Ms.No.128, dated 22.05.2015, for regularization and penalization of buildings constructed unauthorizedly and in deviation of sanctioned plans and in that connection, the 2nd respondent approached the petitioner and stated that the commercial complex in which the petitioner's shop was situated, was constructed in deviation of the sanctioned plan. Therefore, the petitioner applied for regularization of the said shop by paying the requisite fee. On 12.06.2017, the officials of the 2nd respondent demolished the adjacent shop of the petitioner without assigning any reasons and also approached the petitioner stating that they will demolish her shop also within a period of one week. The grievance of the petitioner is that before taking steps to demolish the structures, the officials of the

2nd respondent corporation have to issue notice to her duly assigning reasons, but without following due procedure, the officials of the 2nd respondent are threatening the petitioner to demolish her shop. Hence, this writ petition.

Learned counsel for the petitioners submits that the respondent-authorities are making hectic efforts to demolish the structures of the petitioner even without following the due process of law.

Learned Government Pleader for Municipal Administration submits that the allegations made by the petitioner are false and if really the officials of the 2nd respondent want to demolish the shop of the petitioner, the authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of the subject property, her possession shall not be interfered with by the respondent authorities without following the due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner over the subject shop, except following the due process of law.

No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 29, 2017
KTL