

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37284 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“... to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent No.2 in purporting to demolish the part of the bedding which was constructed for the drain and it is attached to the house of the petitioner as illegal, arbitrary, unjust and discriminatory and consequently direct the 2nd Respondent not to Demolish the part of the bedding which is constructed for the drain and pass such other order or orders as it deems fit and proper in the circumstances of the case. ”

2. Learned counsel for the petitioner would submit that when the 2nd respondent - Municipality constructed bedding of the drain attached to the subject house wall of the petitioner, the petitioner co-operated; that at present, there is an attempt to demolish the bedding without even notice to the petitioner; and, that if the bedding is now demolished, there is likelihood of house wall of the petitioner getting damaged in the process.

3. Learned Standing Counsel for the 2nd respondent, having taken notice, would submit that the 2nd respondent - Municipality would follow the procedure established by law, in case, the demolition of the bedding attached to the subject house wall of the petitioner is necessary.

4. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent not to demolish the bedding of the

drain attached to the subject house wall of the petitioner without following the procedure established by law.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

November 07, 2017
MD

