

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36452 of 2017

ORDER:

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

'to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the proposed action of the respondents in demolishing the houses/ properties of the petitioners bearing D.No.28-8, D.No.28-220-1, D.No.28-220 and D.No.26-330 and 26-332 respectively, situated at Gandhi Bazar, Anantapur, Anantapur District without due process of law as illegal, null and void and violative of Articles 19 and 21 of Constitution of India and violative of principles of natural justice and for a consequential order directing the respondents to drop all further proceedings in this regard and pass such other order or orders may deem fit and proper in the circumstances of the case.'

I have heard the submissions of the learned counsel for the petitioners; of the learned Assistant Government Pleader representing the respondents 1 to 3; and, of the learned standing counsel representing the 5th respondent. I have perused the material record.

The case of the petitioners, in brief, is this: - 'They are the owners and possessors of their respective properties situate at Gandhi Bazar, Anantapur of Anantapur District. The said properties are being used for both commercial and residential purposes for over last several decades. There is no dispute with regard to their respective titles, possessions and enjoyments over the properties. While they are peacefully enjoying their properties, the respondents are trying to demolish their subject properties for road widening purposes, *inter alia*, stating that there is a proposal to widen the existing 30' feet road to 70' road. While doing so, the respondents are not following the procedure established by law.'

Learned Assistant Government Pleader and the learned standing counsel would submit that the respondents would follow the due process of law, if any properties including the properties of the petitioners are required for public purpose.

In that view of the matter, learned counsel for the petitioners would submit that this writ petition can be disposed of with appropriate directions.

Recording the afore-said submissions of the learned Assistant Government Pleader and the learned standing counsel, the Writ Petition is disposed of directing the respondents not to demolish the subject structures of the petitioners herein without following the due procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

31.10.2017
VJI



M. Seetharama Murthi, J