

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36816 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit the petitioner herein prayed that this Hon'ble Court may pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring action of the respondents without giving any notice or opportunity to the petitioner and marked the area belonging to the petitioner's houses D.Nos. 1/25 & 1/26 situated at Lepakshi Gram Panchayat area in ward No.1, Lepaskhi village & Mandal, Anantapur District without following the due process of law is as illegal, arbitrary and against law and consequently direct the respondents to stop their illegal activities in road widening of the petitioners property and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *I. Venkata Prasad*, learned counsel appearing for the petitioner, the learned Government Pleader for Roads and Buildings appearing for the respondents 1, 7 & 8, the learned Government Pleader for Revenue appearing for the respondents 2 & 5, Sri *S.S.Varma*, learned Standing Counsel appearing for the 3rd respondent, Sri *G.Seshadri*, learned Standing Counsel appearing for the 4th respondent, and of Sri *Bathula Raj Kiran*, learned Standing Counsel appearing for the 6th respondent. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the respondents not to interfere with or demolish any part of the subject property of the petitioner, except by following the procedure established by law, in the event the widening of the road is necessary, the ends of justice would be met.

4. Learned counsel appearing for the official respondents endorsed the said submission.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the subject property or any part thereof of the petitioner, except by following the procedure established by law, in the event the respondents or any one of the respondents undertake the road widening activity.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 12th December, 2017

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