

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.34642 of 2017

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, praying for the following relief:

“To issue a Writ or Order or direction more particularly 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.8-157, respectively, situated at Valmiki Circle, Revenue Ward No.8, Kalyandurgam, Anantapur District without due process of law is 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”.

2. The petitioner herein claims to be the absolute owner and possessor of building bearing D.No.8-157 situated at Meda Street, Kalyandurgam, Ananthapur district. It is further averred in the writ affidavit that the said building is used for both commercial and residential purpose for the last several decades and that there is no dispute with regard to title, possession and enjoyment over the schedule property. It is further averred in the writ affidavit that the Respondent authorities are trying to demolish the subject property for road widening purpose without following due process of law. In the above background, the present writ petition is filed.

3. Heard the learned counsel for the petitioner, the learned Government Pleader for Respondents 1 to 4 and Sri Md.Saleem, learned Standing Counsel for Respondent No.5-Municipality.

4. Today, when the matter is taken up, it is submitted by the learned Government Pleader appearing for Respondents 1 to 4 and also the learned Standing Counsel for Respondent No.5 that the Respondents would follow due process of law if any private properties including the property of the petitioner herein is required for public purpose.

5. Recording the said statement, the writ petition is disposed of, directing the Respondents herein not to demolish the structures of the petitioner herein without following due process of law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 16.10.2017
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A.V.SESHA SAI, J

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16.10.2017

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