

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38549 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent/Municipal Commissioner in proposing to demolish petitioners' buildings bearing House Nos.22-9-2/2, 25-3-7/1, 22-9-3, 22-9-3/2, 22-9-17, 25-9-28, 22-9-4, 25-7-19/1, 25-7-19, 25-1-1/1, 25-2-12 situated at Korukonda Road, Rajahmundry Municipal Corporation without following procedure under Law is illegal, arbitrary, unconstitutional, offend Article 300A of the Constitution of India, against principles of natural justice and contrary to the provisions of Hyderabad Municipal Corporation Act, 1955 and Act 30 of 2013 and consequently direct the 3rd respondent municipal corporation not to acquire and demolish petitioners' building and to pass such other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

[Reproduced verbatim]

2. At the hearing, learned counsel for the petitioners submits that in a case of identical nature filed by the persons of the same locality, this Court granted orders on 22.06.2017 in W.P.No.20372 of 2017 and that if similar orders are granted to the petitioners herein, the ends of justice would be met.

3. Learned Standing Counsel appearing for the third respondent-Corporation would submit that the Corporation would follow the procedure established by law in the matter.

4. Recording the submissions, the writ petition is disposed of directing the respondents not to demolish the subject structures of the petitioners situated at Korukonda Road, Rajamahendravaram, without following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 16.11.2017

Note: Issue CC tomorrow

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