

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.37677 of 2017

ORDER:

This writ petition, under Article 227 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 nature of Writ of Mandamus, declaring the proposed action of the respondents in trying to take possession of part of the land out of total extent of 201.15 sq. yards in Sy.No.64/3 situated in Balusumudi, 31st Ward, Bhimavaram Municipality by demolishing the existing compound wall without following due process of law as illegal, arbitrary and violative of principles of natural justice and also Article 300-A of Constitution of India 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.”

2. Heard learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2.

3. Learned counsel for the petitioner would submit that if a direction is given to the respondent authorities to follow the procedure established by law before taking any coercive action in respect of the property of the petitioner, the grievance of the petitioner would be redressed.

4. Learned Standing Counsel appearing for the respondents would submit that the Municipality would follow the procedure established by law.

5. Recording the said submissions, the Writ Petition is disposed of directing the respondents not to demolish or interfere with the subject property of the petitioner in any manner except in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.Seetharama Murthi, J

09.11.2017
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