

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.37670 of 2017

ORDER:

This writ petition, under Article 227 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“...to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in trying to demolish the left over 9X84 feet size shopping complex bearing municipal Nos.8-1154, 8-1155, 8-1156, 8-1157, 8-1158, 8-1159, 8-1160 and 8-1161 situated on the Hindupur main road, Gandhi Circle, Kalyandurgam Town, Antnthapur District without issuing notice as illegal, arbitrary and in violation of principles of Natural justice and in violation of Art.14 and 300-A of the Constitution of India and consequently direct the respondents not to demolish the petitioners' left over 9X84 feet size shopping complex bearing municipal Nos.8-1154, 8-1155, 8-1156, 8-1157, 8-1158, 8-1159, 8-1160 and 8-1161 situated on the Hindupur main road Gandhi Circle, Kalyandurgam town, Ananthpur District in the interests of justice and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard the submissions of the learned counsel appearing for the petitioners; learned Government Pleader for Municipal Administration appearing for the 1st respondent; learned Government Pleader for Revenue appearing for the respondents 2 to 4; learned Government Pleader for Roads & Buildings appearing for the 5th respondent; and, of the learned Standing Counsel appearing for the 6th respondent. I have perused the material record.

3. Learned counsel for the petitioners 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 properties of the petitioners, the grievance of the petitioners would be redressed.

4. The case of the petitioners is this: 'They are the owners of eight shops originally measuring 26 feet (length) X 84 feet (width) on the main road of Hindupur, Gandhi Circle, Kalyandurgam Town of Ananthapur District. At the time of road widening, certain portions of their shops were demolished and after such demolition, the remaining left over area of each shop is 9 feet (length) X 84 feet (width). There was consent for the petitioners making permanent construction/renovation in the remaining respective areas, which were left over after road widening. When permissions were sought for construction in the remaining extents, no permissions were granted by the respondent authorities. The respondent authorities are now contemplating to demolish the subject properties of the petitioners without following the procedure established by law. Hence, the writ petition is filed.'

5. Learned Government Pleader for the 5th respondent and the learned Standing Counsel appearing for the 6th respondent would submit that no action would be taken for demolition of the subject properties of the petitioners without following the due process of law.

6. Recording the said submissions, the Writ Petition is disposed of directing the respondents not to demolish or interfere with the subject properties of the petitioners 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 Murti, J

09.11.2017
RAR