

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39076 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, it is therefore prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of mandamus, declaring the action of the respondents in taking steps to demolish the H.No.9-7-115/5, situated in Sanyasi Basti, Rama Talkies Road, Kothagudem without issuing any notice under Section 194 (1) of the Municipalities Act and also without following procedure under the Municipalities Act and the rules made there under is illegal and arbitrary and consequently direct the respondents not to demolish without issuing notice and following the procedure under the Municipalities Act and the rules made there under, and pass such other and further orders to meet the ends of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *N. Subba Rao*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and of Sri *N. Praveen Kumar*, learned Standing Counsel appearing for respondents 2 & 3. I have perused the material record.

3. The submission and grievance of the writ petitioner is that she is the owner in possession and enjoyment of the house situated in Survey No.143, bearing H.No.9-7-115/5, Sanyasi Basti, Rama Talkies Road, Kothagudem, and that in that property, a room was constructed and the property was enclosed by a compound wall and that without issuing any notice, the compound wall is demolished and that the respondents are attempting to demolish the room also in the property without even issuing a notice or following the procedure

established by law. To a query from the Court, learned counsel for the petitioner submits that the property is kept unoccupied and that earlier in the year 2014, a notice was issued to keep the vacant property clean, as it is becoming a source of nuisance for the neighbours and that the respondents are falsely claiming that it is a Government property.

4. Sri N. Praveen Kumar, learned Standing Counsel appearing for the 2nd respondent Municipality and the 3rd respondent, submits that as per the instructions received, the property is a Government property and that the respondents would follow the procedure established by law before taking any action against the petitioner in respect of the subject property.

5. Recording the submissions, the Writ Petition is disposed of directing 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.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 21st November, 2017

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