

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42485 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents dated 10-12-2017 in trying to demolish the houses of the petitioners without notice, without following due process of law which is illegal, arbitrary, unlawful besides violative of Articles 14, 19 (1) (e), 21 and 300-A of Constitution of India and consequentially direct the respondents not to take any coercive steps including demolition of the said houses of the petitioners in Sy. No. 2099/11, Plot No.124/1 admeasuring Ac.0-03 Cents, Plot No.123 admeasuring Ac.0-02 Cents of Kavali Mandal, Kavali Bit -II of Kavali Municipality, SPSR Nellore District and to pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Ch.Lakshmi Narayana*, learned counsel appearing for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *M.D.Saleem*, learned Standing Counsel, appearing for the 2nd respondent Municipality. I have perused the material record.

3. The only grievance of the writ petitioners is that the 2nd respondent Municipality is attempting to take coercive steps including demolition of their subject houses, without following the procedure established by law.

4. Learned counsel for the petitioners brings to the notice of the Court a decision of this Court in **P.V.Satyanarayana Murthy and others Vs. State of Andhra Pradesh and others**¹ and would submit that the revenue authorities are the only authorities competent to deal with the patta properties and that the 2nd respondent Municipality is not entitled to take any coercive steps against the petitioners' properties.

5. Learned Standing Counsel for the 2nd respondent Municipality, while *inter alia* stating that there are no houses in the subject properties, would submit that the Municipality would follow the procedure established by law, if the Municipality is required to proceed in respect of the properties of the petitioners.

6. Learned counsel for the petitioners endorses the said submissions.

7. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent Municipality not to interfere with or demolish the properties or any parts of the properties of the petitioners, except by 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.

JUSTICE M. SEETHARAMA MURTI

Date: 19th December, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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¹ 2013 (1) ALD 245

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