

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40316 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner complaining against the action of the respondents 2 to 6 in attempting to demolish the petitioner's shop bearing Door No.1-10, situated at Settipalle Village, Gudipalli Mandal, Chittoor District, even without issuing a notice or acquiring the property of the petitioner by paying compensation, on the ground that such action is required for road widening.

2. I have heard the submissions of Sri *C. Prakash*, learned counsel appearing for the petitioner, the learned Government Pleader for Roads and Buildings appearing for the respondents 1 to 3, the learned Government Pleader for Panchayat Raj appearing for the 4th respondent, and of the learned Government Pleader for Revenue appearing for the respondents 5 & 6. I have perused the material record.

3. At the hearing, learned counsel for the petitioner would submit that for the purpose of road widening, markings were already made on the property of the petitioner for demolition of a part of the property and that the petitioner is carrying on his business in the subject property and is also living with his family in the property and that the subject shop in the property is the only source of livelihood for his family.

4. Learned Government Pleaders for the respondents, on instructions, would submit that the property of the petitioner is an encroachment on the road and, therefore, the demolition is necessary for widening the road.

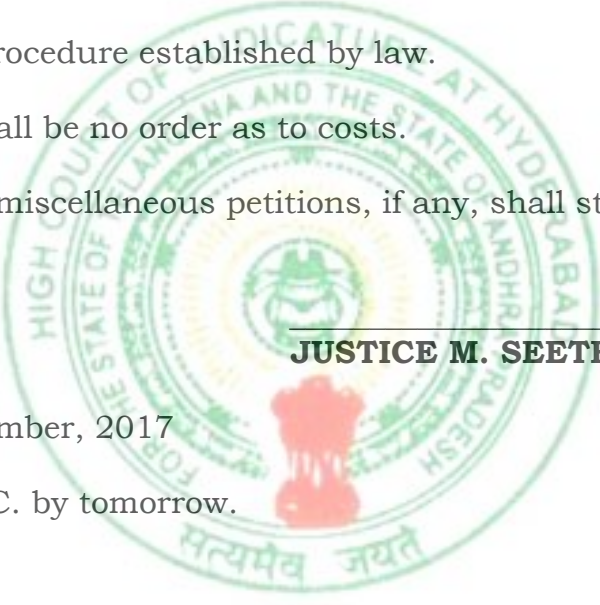
5. However, learned counsel for the petitioner would submit that if the respondents are directed to not to interfere with or demolish any part of the subject property of the petitioner, except by following the procedure established by law, the ends of justice would be met.

6. Learned Government Pleaders for the respondents endorsed the said submission.

7. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish, in any manner, 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: 6th December, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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