

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.41590 of 2017**

**ORDER:**

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, challenging the action of the respondents in attempting to demolish the subject house properties bearing Nos.3-116, 3-121, 3-112 and 3-113, of Gudem Village, Dandepalli Mandal, Adilabad District, respectively of the petitioners, without following the due procedure contemplated under law, as illegal and arbitrary.

**2.** I have heard the submissions of Sri *S.Ravinder Reddy*, learned counsel for the petitioners, the learned Government Pleader for Roads and Buildings appearing for the respondents 1 & 4, learned Government Pleader for Revenue appearing for the respondents 2 & 3, and of Sri *Ramchandar Reddy*, learned Standing Counsel, appearing for the 5<sup>th</sup> respondent. I have perused the material record.

**3.** The case of the petitioners is that they are the absolute owners in peaceful possession and enjoyment of their respective properties and that while so, the subordinates of respondents 3 & 4 recently came to their houses and made markings upto depths of 10 to 15 feet stating that the said affected portions of respective properties of the petitioners are required for widening the road and that the said respondents, while doing so, did not follow the procedure established by law, and that in that view of the matter, the petitioners approached this Court.

**4.** Learned counsel for the petitioners submits that if the respondents are directed to follow the procedure established by law before interfering with or demolishing any part of the structures of the

respective properties of the petitioners, the ends of justice would be met.

**5.** Learned Government Pleader for Roads and Buildings appearing for the respondents 1 & 4 would submit that the writ petition is filed only on the apprehension and that in the event any of the properties or parts of the properties of the petitioners are required for road widening, due process of law would be followed and appropriate steps would be taken, in accordance with procedure established by law.

**6.** In the light of the submissions made by the learned counsel for the petitioners, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the properties or any part of the properties of the respective petitioners, without 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: 18<sup>th</sup> December, 2017

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