

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40194 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, the petitioner prays that this Hon’ble Court may be pleased to issue an appropriate writ or direction or more particularly one in the nature of Writ Mandamus and declaring the action of the respondent authorities 2 to 4 in giving markings to the petitioner property and trying to demolish the petitioner property bearing No.8-12-56 situated at Ward No.8, bearing assessment No.3268, D.No.8-12-56, Thotapalem, lower Tank bund Road, RTC Complex area, Vizianagaram Municipality, Vizianagaram without following due process of law as is null and void, as illegal, arbitrary and unconstitutional and against the norms of public policy and principles of natural justice and against the provisions of the Right to fair Compensation and transparency in land acquisition, Rehabilitation and Resettlement Act, 2013 and violation of Article 300-A Constitution of India, and consequently direct the respondent authorities not to demolish the petitioner property mentioned above without following due processes of law and pass such other order or orders as this Hon’ble Court deem fit and proper in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Smt. *Y. Malathi*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, learned Government Pleader for Revenue appearing for the 2nd respondent, learned Government Pleader for Roads and Buildings appearing for the 3rd respondent, and of Sri *Nimmagadda Venkateswarlu*, learned Standing Counsel appearing for the 4th respondent Municipality. I have perused the material record.

3. The grievance of the writ petitioner is that the respondents 2 to 4, for the purpose of road widening, made markings on the subject property of the petitioner bearing Door No.8-12-56, situated at Ward

No.8, bearing Assessment No.3268, Thotapalem, Lower Tank Bund Road, RTC Complex Area, Vizianagaram Municipality, Vizianagaram, and that the respondents 2 to 4 are threatening to demolish the property of the petitioner to the marked extent even without issuing a notice or following the procedure established by law.

4. At the hearing, learned counsel for the petitioner would submit that if a direction is given to the respondents not to interfere with or demolish the subject property of the petitioner without following the procedure established by law, the grievance of the writ petitioner would be redressed.

5. Learned Government Pleaders appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the 4th respondent endorsed the said submission of the learned counsel for the petitioner.

6. Recording the submission, 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 in accordance with law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 29th November, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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