

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41217 of 2017

ORDER:

This writ petition is filed seeking verbatim the following relief/s:

‘...to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in proceeding to demolish the petitioner house property bearing Door No. No.7/833, situated at Korrapadu Road, Revenue Ward No.7, Proddatur, YSR Kadapa district under the guise of road widening without notice and without following due process of law is illegal, arbitrary, unconstitutional and violation of Principles of Natural Justice and violation of Articles 14, 300 A of the Constitution of India and consequently direct the Respondents not to demolish the petitioner above said house property without following due process of law and to pass such other order or orders...’

I have heard the submissions of the learned counsel for the petitioners and of the learned Standing Counsel representing the 2nd respondent. I have perused the material record.

The only grievance of the petitioners is that despite valid title documents in respect of the subject properties and a civil Court decree, dated 30.10.1965, in OS.No.305 of 1965 on the file of the learned District Munsif, Proddatur, Kadapa District, the 2nd respondent authority is attempting to demolish the subject structures of the petitioners without following the procedure established by law and even without issuing a notice on the ground that the subject properties are required for road widening.

At the hearing, learned counsel for the petitioner would submit that if the writ petition is disposed of directing the 2nd respondent not to take any

coercive action without following the procedure established by law, the ends of justice would be met.

Learned standing counsel endorses the said submission.

Recording the afore-said submissions, the Writ Petition is disposed of directing the 2nd respondent not to interfere with, in any manner, or demolish the subject properties of the petitioners except by following the procedure established by law; and, if necessary, by acquiring the property of the petitioners and paying compensation in strict accordance with the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



M.Seetharama Murthi, J

05.12.2017

Note: Issue CC by 06.12.2017.

[B/o]

VJL