

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

**WRIT PETITIONS No. 30842, 30868, 30859, 30869, 30870, 30890,
30933, 31110, 31112, 31448, 31680, 31681, 31694, 31696, 31701,
31715, 31720, 31748, 31751, 31758, 31759, 31761, 31765, 31784,
31903 AND 31904 OF 2016**

COMMON ORDER :

In all these Writ Petitions, essentially, the case of the petitioners is that they had made certain constructions within the territorial jurisdiction of the 2nd respondent – Capital Region Development Authority (CRDA) and that here and there, there might have been variation / deviation from the sanctioned plan. The complaint of the petitioners is that the respondent authorities have been trying to demolish the constructions made by them in their respective premises, without issuing any notice of their intention. Hence, they seek a writ of *mandamus* questioning the action of the respondents as illegal, arbitrary and violative of the principles of natural justice, affecting their rights guaranteed under Articles 14, 21 and 300-A of the Constitution of India. They seek a consequential direction to the respondents and their officials not to demolish the petitioners' constructions.

At the admission stage, taking into consideration the apprehension of the petitioners, interim stay of demolition / interim direction was granted.

Detailed counter affidavits have been filed specifically setting out the violations made by the respective petitioners. However, it is asserted in the affidavit filed on behalf of the CRDA – competent authority that notwithstanding the violations committed by the respective petitioners, the Authority would not transgress the law / carry out any demolition without following due process. It is further

asserted that though the petitioners had stated that they made applications seeking modification of the sanctioned plan, etcetera, the same is not true. The CRDA had taken a categorical stand that they would not take any coercive action without issuing notice to the petitioners and calling for their explanation, wherever it is required, in terms of the Rules and the procedure established in law.

Heard learned counsel for the petitioners as well as learned Standing Counsel for the CRDA and learned Standing Counsel for the respective Gram Panchayats.

Though the petitioners have averred that their structures were threatened to be demolished by the respondent authorities, in the light of the specific stand taken by the latter that they would not take any coercive action without following due process / principles of natural justice, there is no necessity for this Court to keep the Writ Petitions pending any longer. Hence, recording the said submission made, on oath, on behalf of the CRDA, the Writ Petitions are disposed of, making it clear, wherever there are violations / deviations from the sanctioned plan, the respective parties shall be issued the notice first and then only, necessary action, known to law shall be taken. At the same time, the respondent authorities are under obligation to ensure that the construction made / structures raised by the petitioners are in accordance with the notified master plan and any deviation therefrom is dealt with strictly. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J