

THE HONOURABLE Dr.JUSTICE B. SIVA SANKARA RAO

Writ Petition No.8258 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Municipal Administration for R.1, R.3 and R.4 and Sri Nimmagadda Venkateshwarlu, learned standing counsel offers to appear from oral instructions for 2nd respondent-Palakollu Municipality and perused the prayer in the writ petition with supporting affidavit and material on record.

2. The prayer in the Writ Petition reads as follows:-

“To issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to demolish the shop and residential building bearing No.18-1-43 of Ward No.18, Main Road, Palakol, West Godavari District, without initiating land acquisition proceedings under Act,2013 and without following due process of law, as arbitrary, illegal and violative of Principles of natural justice and consequently direct the respondents not to demolish the above structures without initiating land acquisition proceedings and to pass such other orders.”

3. It is the supporting affidavit averment of the writ petitioner that the respondents are trying to take law into their hands without following due process of law under the guise of road widening to demolish the premises of the petitioner at Ward No.18, Main Road, Palakol, West Godavari District.

4. It is the submission of the learned standing counsel for 2nd respondent supra that the apprehension of the petitioner is baseless and that they if at all to acquire the private property of the petitioner for road widening, they follow due process of law. There is no any further submission by the learned Govt.Pleader in this regard.

5. By recording the above submission of the learned standing counsel, the Writ Petition is disposed of with a direction to the respondents not to interfere and dispossess the petitioner from his private property except through due process of law. Miscellaneous petitions, if any, pending shall stand closed.

Date:14.03.2018
vvr

Dr. B.SIVA SANKARA RAO J,