

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 20682 OF 2009

ORDER:

The writ petition is filed to declare the action of respondent No.1 in issuing the impugned notice dated 18.09.2009 and starting demolition of the structures of the petitioners without following due process of law.

2. The brief acts of the case, according to the petitioners, are that they owned the building on the road known as Subash road, Anantapur, which was constructed after obtaining permission from the respondent Corporation; respondent No.1 issued the impugned notice dated 18.09.2009 stating that the corporation has taken a decision to remove the structures affected by 80' wide master plan road from Saptagiri circle to Surya Road junction and directed the petitioner to remove the structures and hand over the site to the respondent-corporation and questioning the same, the present writ petition is filed.

3. On 20.09.2009, this Court while admitting the writ petition, granted interim stay including demolition of the structures of the petitioners pursuant to the impugned notice dated 18.09.2009.

Thereafter, respondent Corporation filed vacate stay petition stating that they never touched the main structures/buildings except illegally raised unauthorized structures constructed without obtaining permission from the corporation and that prior notice was given to the petitioners before demolishing the said structures. Recording the said statement, this Court by order dated 09.06.2014 closed the vacate stay petition observing that the Corporation may follow due process of law in the event, any portion of the land/building of the petitioners is required for the purpose of road widening.

4. Heard Sri S.D.Goud, learned counsel for petitioners and learned Standing Counsel for respondents appearing on behalf of Corporation.

5. Learned Standing Counsel appearing for respondents submits that the Corporation had demolished the illegal and unauthorized structures of the building after giving notice to the petitioners and that the petitioners consented for the same. He further submits that they would not demolish any further structures without following due process of law.

6. In view of the categorical statements made in the counter affidavit filed by the respondent Corporation and the submission of the learned Standing Counsel for respondents, no further orders are necessary in the writ petition.

7. Accordingly, the writ petition is closed. However, the respondents shall follow due process of law in the event, they intend to demolish any other portions of the building of the petitioners. No costs.

8. Miscellaneous Petitions, if any pending, shall stand closed.

1st November, 2018
Mjl/*

KONGARA VIJAYA LAKSHMI, J