

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.565 of 2016

ORDER:

The inaction of respondent - officials, in providing police protection for demolition of the oldest building popularly known as 'Bullard Hall' situated in Sy.Nos.95 and 79, 4th line, Kannavari Thota, Guntur, admeasuring 501 1/3 sq. yards, is questioned in the Writ Petition as being illegal and arbitrary.

Brief facts of the case are that petitioner entered into an agreement of sale on 27.11.1996 for purchase of subject building popularly known as 'Bullard Hall' situated at Guntur, with Sri G.D.D.Diwakar, Executive Director, the Property Association of Baptist Churches Pvt Ltd.; later when regular sale deed was not executed by the vendors, he filed suit in O.S.No.140 of 2009 on the file of Senior Civil Judge, Machilipatnam, Krishna District; the said suit was decreed on 17.03.2010; E.P.No.11 of 2014 was filed for registration of sale deed and the same was registered son 09.04.2014 vide document No.3439 of 2014 on the file of Sub-Registrar, Koretapadu, Guntur; thereafter, E.A.No.180 of 2014 was filed for delivery of possession and possession was delivered on 30.08.2014 by the Court; and since the date of delivery of possession, petitioner claims to be in possession and enjoyment of the subject property.

Petitioner further states that, when he started demolition of the subject building which is in dilapidated condition after obtaining necessary permission from the

Municipal Authorities, the demolition was obstructed by local leaders; complaint was lodged with respondent No.3, which was registered as Crime No.338 of 2015; despite registration of complaint, no action has been taken; taking advantage of the same, Sri Garnepudi Deva Sahayam started demanding money and filed a false complaint against his advocate and others under Section 3(1)(x)(xiii) of SC and ST (POT) Act and Sections 448, 427, 506 read with 34 IPC.

Heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Home (AP).

The main relief, sought for by the learned Counsel for the petitioner, is to provide police aid for demolition of the subject building as the demolition is being obstructed despite permission from the municipal authorities.

Learned Assistant Government Pleader for Home (AP) submits that, if the municipal authorities had granted permission for demolition of the building, petitioner may ask for demolition of the building by the municipal authorities themselves who, inturn, may take the aid of police for demolition of dilapidated building.

The petitioner, along with his affidavit, filed photographs of the building which appears to be in dilapidated condition. Petitioner, however, has not filed any document in support of his contention that he obtained necessary permission for demolition of the subject building. Even, a copy of the complaint lodged with respondent No.3, registered as Crime No.338 of 2015, obstructing demolition of the subject building, does not form part of the record.

The relief sought by the petitioner is vague. There is no documentary proof for his submissions. He has not filed the municipal permission for demolition of the building or reconsideration for demolition of the building. He has not stated the name of persons who are interfering in his demolition process. He has not filed the copy of the complaint lodged to the police. In view of these reasons, the petitioner can't maintain this writ petition seeking direction to police for demolition of the building. The petitioner, however, is given liberty to lodge a police complaint in case if there is any interference in his legal rights over the building, and the police concerned shall consider the same as per the process of law.

With the above observation, the Writ Petition stands disposed of.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:24.04.2018

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