

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.17682 OF 2009

ORDER:

The petitioner seeks writ of mandamus declaring the action of respondents in trying to demolish the house bearing D.No.2-486 situated in Araku Valley, Visakhapatnam District, is illegal, arbitrary and violative of Articles 21 and 300-A of Constitution of India and consequently direct the respondents to permit the petitioner to renovate the aforesaid house bearing D.No.2-486.

2. In W.P.M.P.No.23187 of 2009, dated 25.08.2009, this Court passed the following interim order:

“There shall be interim direction to the respondents not to demolish the house of the petitioner bearing Door No.2-486, situated in Araku Valley, Visakhapatnam. At the same time, the petitioner also shall not make any further constructions, pending the writ petition. Notice.”

3. When the matter came up for hearing today, learned Government Pleader for Social Welfare (AP) would submit that the petitioner is an unauthorized occupier of the site and tried to make construction and in view of the interim order, the respondent authorities have not taken up any action against him and if at all the demolition proceedings are contemplated, they will follow the due process of law before initiating such proceedings.

4. Learned counsel for petitioner would submit that though the petitioner is a non-tribal, however, since the time of the forefathers of the petitioner, they have been residing in the schedule house and when he tried to make renovation, respondent authorities unauthorizedly tried to demolish the house and hence, filed the present writ petition and if the authorities before initiating any eviction or demolition proceedings follow the due process of law, he has no objection.

5. Recording the above submissions, this writ petition is disposed of with a direction that, while initiating proceedings, the respondent authorities shall follow due process of law. As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

25.09.2018
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U.DURGA PRASAD RAO, J