

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.12185 of 2009

ORDER:

This Writ Petition is filed to declare the action of the respondent in demolishing the house property situated at Kotha Kakinada Town, belonging to the petitioners, without following any procedure, as illegal and arbitrary.

The case of the petitioners, in brief is, that the petitioners have been in possession of the property admeasuring 40 sq. yards each and they applied for grant of patta; the Tahsildar, Kakinada Urban, after conducting survey and enquiry, has issued proceedings No.B/ 630/ 08 under G.O.Ms.No.546, Revenue (ASN-1) Department and also issued certificates in favour of the petitioners vide his proceedings dated 08.12.2008 declaring them as owners of the subject property with specific boundaries stated therein; when the construction of houses was about to be complete, the respondent authorities came to their houses and without giving any notice or intimation, partly damaged the compound wall and tried to demolish the entire house property; no notice has been issued by the respondent in accordance with Section 461/ 636 of Municipal Corporation Act; thus, violated the principles of natural justice.

This Court granted interim stay of demolition of the house property on 22.06.2009. Till now, no counter-affidavit has been filed by the respondent. In the facts and circumstances, as the matter pertains to the year 2009, if the subject property is not regularised, the respondent is at liberty to issue notice and follow due process of law before initiating any action against the petitioners.

The Writ Petition is accordingly disposed of. There shall be no order as to costs. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 27.11.2018
BSS

