

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.13489 OF 2009

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondent in marking the portion of property of the petitioners bearing D.No.20-1-31 of Rastrapathi Road, Tanuku Town, West Godavari District, for demolition and for the purpose of road widening without initiating the proceedings under the Land Acquisition Act, 1894, as arbitrary, illegal and consequently to direct the respondent not to demolish the structure of the petitioners without following due process of law.

It is the case of the petitioners that they are owners and possessors of the said property *vide* Assessment No.1081000983 of Sajjapuram, having purchased the same *vide* registered document No.1600/2009, dated 12.6.2008, from one Yerra Narasimha Rao and since then, they have been in peaceful possession and enjoyment of the same. While so, the respondent-Municipality has proposed for widening of the Rastrapathi Road, Tanuku, and the officials of the respondent-Municipality have demarcated the buildings, which are sought to be demolished for the said purpose.

The grievance of the petitioners is that without issuing any notice to them, the respondent-Municipality is proceeding

further with the proposed demolition work, which is contrary to law.

While admitting the writ petition on 8.7.2009, this Court *vide* WPMP No.17530 of 2009 directed the respondent not to demolish the structures of the petitioners without following the due process of law.

In spite of granting several adjournments, no counter-affidavit is filed till date.

Since it is the specific assertion of the petitioners that their property would be acquired without following due process of law, the respondent-Municipality is directed not to interfere with the property of the petitioners, without following due process of law.

Accordingly, the Writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE CHALLA KODANDA RAM

28th June, 2018
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