

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.29644 of 2013

ORDER:

This writ petition is filed to declare the action of the respondents in trying to demolish the petitioner's asbestos shop i.e., Bismilla Kichidi Centre in Sy.No.367/ D situated at Lawyers Street, Opp. Subbarao Petrol bunk, Vinukonda town, Guntur District, without issuing any notice, without following any procedure, as illegal and arbitrary.

2. Case of the petitioner is that he is the absolute owner and possessor of the subject shop, having purchased the same under unregistered sale deed dated 27.09.2012; since then he has been in possession and enjoyment of the same by running business in the name and style of 'Bismilla Kichidi Centre'; that the staff of the 1st respondent is trying to demolish the shop of the petitioner, without issuing any notice or without following any due procedure, he filed the present writ petition.

3. When the matter came up for admission on 11.10.2013, this Court passed the interim order directing the respondents not to demolish the petitioner's shop and the petitioner was also directed not to add or make any further constructions.

4. Today when the matter came up for hearing, learned standing counsel for the 1st respondent submits that the shop of the petitioner is situated at the road margin and that it is not situated at the place described by the petitioner i.e., Sy.No.367/ D situated at Lawyers Street, Opp. Subbarao Petrol Bunk, Vinukonda town, Guntur

District. However, the learned standing counsel submits that they will take action against the shop of the petitioner, after following due process of law.

5. In view of the categorical submission made by the learned standing counsel for the 1st respondent, the 1st respondent is directed to follow due process of law before taking any action against the shop of the petitioner.

6. 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.

Date: 10.12.2018
BSS

KONGARA VIJAYA LAKSHMI, J

