

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.18482 OF 2016

ORDER:

The grievance of the petitioner in the present writ petition is without recourse to law, the respondent-authorities are trying to demolish the petitioner's building bearing D.No.10-94, situated in Amaravathi Village and Mandal, Guntur District for the purpose of road widening.

The petitioner claims to be the absolute owner and possessor of the above said building. It is further stated that the petitioner earlier instituted O.S.No.342 of 2005 on the file of the Court of Principal Junior Civil Judge, Sattenapalli for permanent injunction against respondent Nos.2 to 4 herein and the said suit came to be decreed on 17-11-2009 granting permanent injunction restraining the defendants from interfering with petitioner's peaceful possession and enjoyment over the subject land. It is further stated that the learned Principal Junior Civil Judge also observed that in the event of there being any encroachment, it is open for the Government to take appropriate steps in accordance with law. The grievance of the petitioner in the present writ petition is that under the guise of widening of the road situated on the western side of the petitioner's building, on 07-06-2016 respondent Nos.3 to 5 made markings on the petitioner's building to an extent of 5". It is an assertion of the petitioner in the

affidavit that he constructed his building completely in his land only. It is further alleged that despite a decree passed by a civil court being brought to their notice, the respondents did not heed to the request of the petitioner and decided to proceed with widening of the road by demolishing the building upto the markings made by them.

This court while ordering notice before admission on 10-06-2016 directed the respondents not to take any coercive steps with regard to the property in question. Having regard to the nature of the allegations and the controversy, this court, in the facts and circumstances of the case, deems it appropriate to dispose of the writ petition with a direction to the respondents not to meddle with the private property of the petitioner herein except in accordance with law. It is needless to observe that if at all the respondents require any private property for public purpose, they have to follow the procedure as contemplated under law. No order as to costs. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence.

A.V.SESHA SAI, J

05.07.2018
TSNR