

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.6173 OF 2013

ORDER:

This writ petition is filed to declare the action of the respondents in proceeding with demolition of the building of the petitioner without any proceedings and without issuing any notice in respect of the property situated at Door No.1312 (old), 1025/1 (new) Ward No.23, GNT Road, Fathekhan Pet, Nellore and without following the due procedure as contemplated under the Municipal Corporation Act, 1955, as illegal and arbitrary.

The case of the petitioner is that the respondents are proceeding on day to day basis with regard to demolition of constructions for road widening without following due process of law.

When the matter came up for admission on 04.03.2013, learned Standing Counsel for first respondent-Corporation stated that the Municipal Corporation is not undertaking any demolition in respect of the petitioner's property for the purpose of road widening.

Counter affidavit has been filed by the respondents stating that the Corporation has not taken up any road widening work and that the R&B Department is maintaining the Grand Trunk Road work. It is also stated that first respondent is only coordinating with the R&B Department in removal of the encroachments and that the subject building is falling in the alignment of proposed 100 feet wide master plan road.

Learned counsel for the first respondent-Corporation submits that the work relating to laying of road will be taken up by

the R&B Department and that the first respondent–Corporation is merely coordinating with the R&B Department for removal of encroachments only. Learned Standing Counsel further submits that the R&B Department is not a party to the writ petition.

In the counter affidavit filed by the Corporation it is stated that the first respondent–Corporation is not laying any road on the property of the petitioner. R&B Department is not made as a party to the writ petition. The first respondent–Corporation is directed to follow the procedure as contemplated under law, if they want to demolish the building of the petitioner.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.



KONGARA VIJAYA LAKSHMI, J

Date: 10/12/2018
Slk

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI



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