

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.37114 OF 2016

Date: 26.02.2018

Between:

Liberty Hardware Stores, rep.by its Proprietor, V.Venkata
Narayana @ Naresh, S/o. late Surya Prakash Rao,
Aged about 51 years, occu: Business, r/o.H.No.33-1-33,
Main Road, Kakinada, East Godavari District.

.....Petitioner

and

State of Andhra Pradesh, rep.by its Principal Secretary,
Municipal Administration & Urban Development
Department, Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner is tenant in house bearing No.33-1-33, Main Road, Kakinada, East Godavari district. In this writ petition, petitioner challenges Notice dated 20.09.2016 issued under Sections 456 and 462 of Greater Hyderabad Municipal Corporation Act, 1955, as applicable to Kakinada Municipal Corporation. Petitioner claims that he was sought to be forcibly evicted from the subject premises claiming subject building is in dilapidated condition. Notice dated 20.09.2016 was served on him only on 27.10.2016 threatening to evict and to demolish the subject building and power supply was already disconnected. It is alleged all this was done without following due procedure and without affording due opportunity.

2. Averments made in the counter-affidavit filed by the Municipal Corporation, Kakinada would disclose that Corporation has identified certain old dilapidated buildings and has taken recourse to demolish those buildings as they are not safe for occupation and can cause danger to life and property. The Corporation also requested the Jawaharlal Nehru Technological University, Kakinada, (JNTU) to assess the durability of subject building. The authorities of JNTU inspected the subject building and submitted its report suggesting that building be demolished as it is not safe for habitation and it may collapse at any time.

3. At the stage of admission, learned counsel for petitioner sought six weeks time from the Court to enable him to vacate the subject premises and request was made that petitioner would file

an undertaking to that effect. In view of the said request, time was granted while adjourning the matter to 07.11.2016. Mean time, there was stay of demolition for a period of one week. No further extension of time was granted. However, as initially stay was granted by the Court, Municipal Corporation has not taken further action.

4. It is seen from the record that no undertaking is filed and though petitioner sought six weeks time to vacate the subject premises, even after more than one year, premises is not vacated. This conduct of the petitioner is deprecated. Merely because case is not listed, he could not have kept quiet, going against his own undertaking.

5. Having regard to the report of JNTU, it is incumbent for the Municipal Corporation to take immediate steps to vacate the persons occupying the subject premises. Petitioner is directed to take out all his belongings within three weeks from today, failing which it is open to the Municipal Corporation to take further course of action as required by law, without any further notice and to evict the petitioner from subject premises.

6. Writ petition is accordingly disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 26.02.2018

Note: issue CC in three days.

*B/o.
kkm*

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