

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.45603 of 2018

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for Municipal Corporation. With their consent, the writ petition is disposed of at the admission stage.

The present writ petition came to be filed seeking issuance of writ of *mandamus* declaring the action of the respondents in trying to demolish the structure of Satyanarayana Function Plaza (Ammu Kalyana Mandapam) situated in Survey No.168/ 7, admeasuring Ac.0.07 ½ cents opp. Government Polytechnic College, Towards East-West Nawabharat Junction Road, Kusalapuram Grampanchayath, Eicherla mandal, Srikakulam district, as illegal and arbitrary.

Though various grounds are raised, learned counsel for the petitioner would submit that the authorities are trying to demolish the structure, without following due process of law.

Learned Standing Counsel, on instructions, would submit that the petitioner has constructed a function hall, without obtaining permission and as such suitable steps would be taken, in accordance with law.

The same is disputed by the petitioner stating that at the time when the petitioner has made the construction, the area was within the Grampanchayath and as such permission was taken from

panchayat and it has now come within the purview of municipality and as such authorities are illegally taking action against the said construction.

Having regard to the facts stated above, the present writ petition is disposed of directing the respondents not to interfere with the property viz., Satyanarayana Function Plaza (Amma Kalyana Mandapam) situated in Survey No.168/7, admeasuring Ac.0.07 ½ cents opp.Government Polytechnic College, Towards East-West Nawabharat Junction Road, Kusalapuram Grampanchayath, Etcherla mandal, Srikakulam district, without following due process of law. No order as to costs.

Pending miscellaneous petitions shall stand closed in the light of this final order.

20.12.2018
vhb

JUSTICE C. PRAVEEN KUMAR