

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44634 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“For the reasons stated in the accompanying affidavit, the Petitioner herein prays that this Hon’ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in proceeding to demolish the petitioner house property bearing Door No. No. 7/832, situated at Korrapadu Road, Revenue Ward No. 7, Proddatur, YSR Kadapa district under the guise of road widening without notice and without following due process of law is illegal, arbitrary, unconstitutional and violation of Principles of Natural Justice and violation of Artifices, 14, 300A of the constitutional of India and consequently direct the Respondents not to demolish the petitioner above said house property without following due process of law and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Jalli Kanakaiah*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, Sri *M.D.Saleem*, learned Standing Counsel, appearing for the 2nd respondent Municipality, the learned Government Pleader for Revenue appearing for the 3rd respondent, and of the learned Government Pleader for Home appearing for the 4th respondent. I have perused the material record.

3. At the time of hearing, learned counsel appearing for the petitioner would submit that the issue involved in the present writ

petition is squarely covered by the orders of this Court, dated 05.12.2017, in W.P.No.41217 of 2017. He placed on record a copy of the order of this Court in the afore-stated writ petition and requested to dispose of this writ petition in terms of the said order.

4. However, learned Standing Counsel appearing for the 2nd respondent Municipality would submit that except the Gift Deed by the father in favour the daughter, no other link document is produced and that the petitioner failed to establish a *prima facie* case of title and, therefore, the petitioner is not entitled to the relief claimed in the writ petition.

5. Learned counsel for the petitioner, in reply, would submit that a house property has been constructed in the subject site and that it is being assessed to tax and taxes are being paid and that in the circumstances stated in the Gift Deed, the Gift Deed came to be executed.

6. Recording the submissions, the Writ Petition is disposed of directing the 2nd respondent Municipality not to interfere with, in any manner, or demolish the subject property of the petitioner, except by following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 3rd January, 2018

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