

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.1552 of 2019

ORDER

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Standing Counsel for respondents 2 and 3 and learned Government Pleader for respondent No.4.

2. Petitioners asserted that they are owners and possessors of house properties bearing H.Nos.16-8-140, 16-8-20 and 16-8-22 respectively, situated at Gollagudem, Khammam Town and District. While so, there was a proposal to widen the road from the existing 40 feet to 80 feet in front of their houses. They asserted that on earlier occasion, when the respondents had attempted to demolish the constructions for the purpose of road widening, some property owners filed writ petitions, wherein *status quo* with regard to the properties therein was granted by this Court giving liberty to the respondent Corporation to proceed in accordance with law. Now, the respondents are trying to demolish the portion of buildings without issuing any notice to the petitioners.

3. Learned counsel for the petitioners would submit that this Court, in similar circumstances in W.P.No.33763 of 2018, granted *status quo* on 18.09.2018 with regard to the subject property therein.

4. On the other hand, Smt M. Bhagya Sree, learned Standing Counsel for respondents 2 and 3, on instructions, submits that no

action would be taken by the respondents without following due process of law. She further submits that if the properties of the petitioners are likely to be affected in road widening, respondents shall strictly adhere to the procedure prescribed under the Act 30 of 2013 and the writ petition is filed on mere apprehension.

5. In the light of the aforesaid submission of the learned Standing Counsel, the Writ Petition is disposed of, with an observation that if the respondents propose to take any action against the properties of the petitioners, they shall strictly adhere to the procedure prescribed under law. It is made clear that interference with the properties of the petitioners without following due process of law would be in violation of Article 300-A of the Constitution. No order as to costs. Miscellaneous applications, if any pending in these writ petitions, shall stand closed.

CHALLA KODANDA RAM, J

29th January, 2019

Note:
Issue CC in two days.

sj