

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.31161 of 2010

ORDER:

Heard Sri N.Subba Rao, learned counsel for the petitioners and Sri M.Manohar Reddy, learned Standing Counsel for the 2nd respondent-Municipality.

2. The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue any writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to demolish the shops belonging to the petitioners situated in Door Nos.12-212 (1st petitioner), 12-213 (2nd petitioner), 12-192 and 12-193 (3rd petitioner) and 12-192 and 12-194 (4th petitioner), Janapadu road, Piduguralla Municipality, Guntur District, by making markings as illegal, arbitrary and contrary to the provisions of AP Municipalities Act in particular sections 42 and 172 of the Act and the Rules made there under and consequently direct the respondents desist themselves from demolishing the shops which are in their possession, pursuant to the markings made on 7.12.2010 and pass such other orders”.

3. Brief facts of the case are that the petitioners are the owners of their respective subject shops. The 2nd respondent Municipality made markings on 07.12.2010 and trying to demolish the said shops without assigning any reasons for the purpose of widening the road. The petitioners made a representation to the 2nd respondent on 07.12.2010 requesting not to take any coercive steps before following due process of law. But the 2nd respondent without considering their representation, contemplated to demolish the structures without assigning any valid reasons. Hence, the Writ Petition.

4. The 2nd respondent-Municipality filed counter stating that the petitioners have encroached into the public road in

Sy.No.218/A of Piduguralla village, namely Janapadu road and constructed a shop room illegally.

5. When the writ petition is posted today, on instructions, learned Standing Counsel for the 2nd respondent submitted that as on today the proposed road has not been laid and if at all, they intend to lay any road in future, they will follow due process of law. On instructions, he further submits that the structures raised by the petitioners, have not been demolished in view of interim orders granted by this Court on 10.12.2010.

6. Having regard to the facts and circumstances of the case and considering the submission of learned Standing Counsel, this Court is of the view that if at all, the 2nd respondent intends to demolish any structures in future, the 2nd respondent is directed to follow the due process of law by duly issuing a notice to the petitioners as contemplated under law.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any in this writ petition, shall stand closed.

JUSTICE V.SUJATHA

Date : 02.05.2022

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