

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 13293 of 2022

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the action of the respondents more particularly the 2nd respondent in interfering with the petitioners' property including demolition on the pretext of road widening without following due procedure contemplated under law in respect of the petitioners' house on plot Nos. 7 Part & 8 North Part, having plinth area of 100 square feet with ACC Sheets, part of House No. 1-107/4 Part, on plot No.2 West Part, 7 Part & 8 South Part (West side), Part of House 1-107/4 part on Plot Nos. 1 West Part, 2 East Part & 8 South Part (middle side) part of House 1-107/4 part on Plot Nos.1 East Part, 2 East Part & 8 South Part (East side) each admeasuring 189/8 square yards, having plinth area of 1200 square feet with R.C.C. Roof & house on Plot No. 7 Part admeasuring 189.8 square yards having plinth area of 100 square feet with ACC sheets & house bearing No. 1-107/3 on Plot No.3 admeasuring 1923 square yards having ground floor plinth area 855 square feet and first floor plinth area 855 square feet, total plinth area 1710 square feet with RCC Roof in Scurvy No. 166 situated at Badangapet Village, Balapur Mandal as illegal and arbitrary.

2. Learned counsel for the petitioners Sri Katika Ravinder Reddy submits that the petitioners are in possession of the property. It is stated that the 2nd respondent without issuing any notice and without following due process of law, demolished the structures in the locality under the pretext of road widening and in

that process, they have also damaged several properties including the petitioners' properties. It is submitted that on 14.03.2022, they had come to the petitioners' property and removed the steps. According to the learned counsel, the respondents cannot meddle with the private property.

3. On the other hand, learned Standing Counsel for the respondent Municipality Sri N. Praveen Kumar submits that the steps are constructed encroaching the road margin, hence, the respondent authorities removed them for widening of the road. He further submits that if the land of the petitioners is required, they will acquire the same duly following the due procedure.

4. Recording the submission of the learned Standing Counsel, the Writ Petition is disposed of directing the respondents not to interfere with the petitioners' property without following due process of law. There shall be no order as to costs.

5. The miscellaneous Applications, if any shall stand closed.

LALITHA KANNEGANTI, J

23rd March 2022

ksld