

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14397 of 2015

ORDER:

This writ petition is filed for writ of Mandamus declaring the action of the respondents in taking steps for demolishing the petitioner's house bearing Door No.6-6-217/9/1, Cheranbanda Nagar, Raju Colony, Balanagar Revenue Mandal, Ranga Reddy District, without issuing any notice and following due process of law, as arbitrary and illegal.

Petitioner states that he acquired the subject property from his wife by way of registered gift settlement deed dated 08.01.2010. He states that he has been paying the property tax, water charges and electricity charges regularly. It is the grievance of the petitioner that while he was proceeding to undertake certain repairs to the subject property, on 08.05.2015, the authorities of the respondent Corporation came to his house and threatened to demolish his house and in spite of his requests, the respondents are taking steps to demolish his house, without issuing any notice and following due procedure.

Heard both sides.

Learned Standing Counsel for the respondent Corporation stated that the petitioner, being an employee of the respondent Corporation, encroached upon the road margin and made constructions.

Petitioner claims to have acquired the subject property by way of a gift settlement deed. However, he has not filed any document to prove the title of the donor. Though the petitioner claims that while he was proceeding to undertake repairs to the subject property, the respondent authorities are threatening to demolish his house without following due process of law. According to the learned Standing Counsel for the respondent Corporation, the petitioner encroached upon the road margin and made certain constructions. No person can be allowed to encroach upon the road margins. If there is any such encroachment by the petitioner, the respondent Corporation can take appropriate action in accordance with law.

Accordingly, the writ petition is disposed of giving liberty to the respondent Corporation to take appropriate action by following the due procedure as contemplated under the Greater Hyderabad Municipal Corporation Act, 1955, if the petitioner made constructions by encroaching upon the road margin. However, the petitioner shall not make any further constructions on the road margin.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE K.C.BHANU

14th May, 2015

IBL/VV