

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION No. 8046 of 2011

Between:

C. Srinivasa Rao and others

.. Petitioners

and

The State of A.P., rep. by the District Collector,
Ranga Reddy District.

.. Respondent

DATE OF JUDGMENT PRONOUNCED:21.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 8046 of 2011

ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the 2nd respondent in trying to demolish the residential houses of the petitioners in plot Nos.51, 52, 53, 49, 50, 54, 55, 63 and 64 in Survey Nos.112, 113, 114 and 127 situated at Mallapur Village, Uppal Mandal, Ranga Reddy District, as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioners purchased house plots in the sanction layout made in Survey Nos.112, 113, 114 and 127 situated in Mallapur Village, Uppal Mandal, Rangareddy District. The petitioners 1 to 3 purchased plot Nos.51, 52 and 53, admeasuring 617 square yards, through a registered sale deed dated 23.06.2005, whereas the 4th petitioner purchased plot Nos.49, 50, 54 and 55, admeasuring 600 square yards, through a registered sale deed dated 23.06.2005. The 5th petitioner purchased plot Nos.63 and 64, admeasuring 415 square yards, through a registered sale deed dated 06.01.2006. It is stated that after purchasing the said plots, the petitioners constructed houses in their respective plots and thereafter the Greater

Hyderabad Municipal Corporation levied tax to their houses for which the petitioners were paying the house tax regularly. It is also stated that the petitioners obtained service connections from the Electricity Department and were paying the electricity charges regularly. While matters stood thus, the 2nd respondent is said to have visited the houses of the petitioners on 23.03.2011 and tried to demolish their houses. When the petitioners resisted his action, the 2nd respondent is said to have left the place stating that he would come back with police force and demolish their houses. Questioning the action of the 2nd respondent, the present writ petition came to be filed.

Though the writ petition was filed in the year 2011, till date no counter affidavit is filed. On 29.03.2011, this Court, while giving time to the respondents to get instructions, directed the 2nd respondent not to demolish the houses of the petitioners.

The documentary evidence placed before the Court and the averments in the writ petition clearly show that the petitioners have constructed houses in their respective plots and also obtained electricity service connections to their houses. Apart from that, the petitioners are regularly paying the house tax to the Greater Hyderabad Municipal Corporation. Therefore, the action of the 2nd respondent in trying to demolish the houses of the petitioners without following the due process of law appears to be illegal.

In view of the above, the 2nd respondent is directed not to demolish the houses of the petitioners constructed in plot

Nos.51, 52, 53, 49, 50, 54, 55, 63 and 64 in Survey Nos.112, 113, 114 and 127 situated at Mallapur Village, Uppal Mandal, Ranga Reddy District, without following the due process of law.

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 the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21st July, 2015
cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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cbs