

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.33575 of 2012

Date: 03-08-2015

Between:

P. Balachander

.... Petitioner

AND

The Government of Andhra Pradesh, represented
by its Secretary, Municipal Administration and
Urban Development Department, Hyderabad and
4 others

.... Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.33575 of 2012

ORDER:

This writ petition is filed for a *mandamus* declaring the action of the respondents in seeking to demolish or dispossess the petitioner and his family members from their houses bearing Nos.3-4-760/6 and 3-4-760/7, H.No.3-4-760/7/D, H.No.3-4-760/7/A, H.No.3-4-760/7/B, H.No.3-4-760/7/C situated at Bagh Lingampally, Barkatpura, Hyderabad or any part of the same or without following due process of law as illegal and arbitrary.

2. The case of the petitioner is that the father of the petitioner had purchased an extent of 130 square yards in Survey No.57, 58 and 59 situated at Baghlingampalli, Barkatpura, Hyderabad through a registered sale deed dated 22-09-1970 and also purchased an extent of 106 square yards in Plot No.5, Survey No.57, 58 and 59 situated at Bagh-e-lingampalli, Barkatpura, Hyderabad from

Ghulam Rasool Khan, through registered sale deed dated 19-11-1970 and he also purchased some other properties. As the petitioner is entitled to 1/4th share of the properties of his father along with his brothers as per the Will executed by his father, he filed O.S.No.443 of 2012 on the file of III Additional Chief Judge, City Civil Court, Hyderabad for partition of the above properties along with some other plaint schedule properties and the same is pending. The staff of the respondent Corporation started coming to their houses and demanding to vacate from the houses stating that the same is required for widening NALA, for which they protested. Again on 13-10-2012 the officials of the respondent Corporation have highhandedly removed some shops and houses on the other side of the NALA and the officials left the property proclaiming that they would remove their houses, if not removed by the petitioners. The respondents are trying to dispossess the petitioners without following due process of law. Aggrieved by the same, the present writ petition has been filed.

3. The 4th respondent filed his counter denying the allegations made by the petitioner and stated *inter alia* that the petition schedule properties with premises numbers 3-4-760/6 and 3-4-760/7 are not figuring in the encroachments identified whereas premises numbers 3-4-760/7/A, 3-4-760/7/B, 3-4-760/7/C, and 3-4-760/7/D are among the encroachments into Hussain Sagar surplus Nala identified by the joint inspection team vide Sl.No.4,5,6 and 7 of the above list II and these encroachments are falling in T.S.No.4, Block-C, Ward No.185 of Lingampally village, which are recorded as private lands and as regards these encroachments, no action has been initiated by this respondent for their removal and it is only an apprehension of the petitioner that their houses would also be demolished as was done in the case of

encroachments at the other side of the nala and that no action will be initiated in respect of these encroachments except otherwise than under due process of law as directed by this court in WPMP.No.42710 of 2012, dated 19-10-2012.

4. Having regard to the facts and circumstances of the case and the statement made by the 4th respondent in the counter affidavit, I deem it appropriate to direct the respondents not to evict the petitioners without following due process of law as per the statement made by the 4th respondent in the counter affidavit.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 03-08-2015

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