

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.41742 of 2015

ORDER:

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This writ petition is filed seeking the following relief/s:

'...to pass an order, direction or a writ particularly in the nature of Writ of Mandamus declaring that the action on part of the respondents in attempting to demolish the boundary wall and two rooms over the petitioner's property bearing M.C.No.9-8-389, admn.268 Sq.yards in T.S.No.27/P, Ward No.17, Block No.1, Qila Mohammed Nagar, Golconda, Hyderabad, is illegal, arbitrary, in violation of principles of Natural Justice and in violation of Section 452, 636 and 437 of GHMC Act, Consequently, this Hon'ble Court may be pleased to direct the respondents not to take any action of demolition of the boundary wall and two rooms over the petitioner's bearing M.C.No.No.9-8-389, amdn.268 Sq. yards in T.S.No.27/P, Ward No.17, Block No.1, Qila Mohammed Nagar, Golconda, Hyderabad without following due process of law and pass any other order or orders'

[Reproduced verbatim]

2. I have heard the learned senior counsel for the petitioner and the learned Standing Counsel appearing for the respondents 2 and 3. I have perused the material record.
3. The only grievance of the writ petitioner is that the respondents are proceeding to demolish the boundary wall and two rooms of the petitioner's property bearing M.C.No.9-8-389 even without issuing a notice and without following the provisions of the GHMC Act and the principles of natural justice.
4. The learned Standing Counsel appearing for the respondents 2 and 3 would submit that the writ petition is filed only on a mere apprehension and that the writ petitioner has not filed any material documents in support of the claim of ownership in respect of the subject property and that the respondents are not going to take any coercive action except in strict accordance with the procedure established by law.
5. In reply, the learned senior counsel for the writ petitioner would submit that the ends of justice would be met if the writ petition itself is disposed of at the admission stage directing the respondents not to take any coercive action against the subject property of the writ petitioner except in strict accordance with the procedure established by law.
6. Recording the submissions, the Writ Petition is disposed of at the admission stage directing the respondents not to take any coercive action including the demolition of the boundary wall and two rooms of the petitioner's property bearing M.C.No.9-8-389 except in strict accordance with the procedure established by law. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

23.12.2015
Note: Issue CC by 28.12.2015
(B/o)

Vjl