

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18689 of 2015

Date:06.11.2015

Between:

Shaik Fazul Rahaman,
S/o Late Khasim Peera

..... Petitioner

And:

The State of Telangana,
reptd., by its Principal Secretary,
Department of Panchayat Raj &
Rural Development, Hyderabad
and five others.

.....Respondents

Counsel for the Petitioner: Mr. M.Janardhana Rao

Counsel for Respondent No.1: AGP for Panchayat Raj (AP)

Counsel for Respondent Nos.2 & 3: AGP for Revenue (AP)

Counsel for Respondent No.5: Mr. G.Seshadri

Counsel for Respondent No.6: AGP for Home (AP)

The Court made the following:

ORDER:

This Writ Petition is filed with the grievance that despite order, dated 28.5.2015, passed in Writ Petition No.15083 of 2015, respondent No.5 has not only demolished the compound wall raised by the petitioner but also been interfering with his possession.

A perusal of the above-mentioned order shows that this Court has *inter alia* given the following direction while disposing of the said Writ Petition:

“In the circumstances, liberty is given to the petitioner to file his objections to the notice, dated 25.5.2015, within a period of one week from the date of receipt of a copy of this order and the 5th respondent shall consider the documentary evidence produced by the petitioner and pass appropriate orders within a period of one week thereafter. Till such time, no further demolition of the construction made by the petitioner shall take place.”

The petitioner pleaded that instead of passing an order on the material furnished by him, respondent No.5 has demolished the compound wall and has been causing day-to-day interference with his possession.

The action complained by the petitioner against respondent No.5, if correct, constitutes blatant violation of the above-mentioned order of this Court.

If there is an element of truth in the plea of the petitioner, the appropriate remedy for him is to initiate contempt proceedings against respondent No.5. Filing successive Writ Petitions does not offer solution to the petitioner as, the order that may be passed in the subsequent Writ Petitions are also likely to be violated.

In this view of the matter, the Writ Petition is dismissed with liberty to the petitioner to institute contempt proceedings if respondent No.5 has acted in contravention of order, dated 28.5.2015, in Writ

Petition No.15083 of 2015.

As a sequel to dismissal of the Writ Petition,
W.P.M.P.No.24160 of 2015 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

06th November, 2015

DR