

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 13741 of 2010

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ORDER:

Heard learned counsel for the petitioners.

The petitioners, in the instant writ petition, made the following prayer:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue any appropriate writ, order, or direction preferably a writ in the nature of writ of Mandamus, declaring the highhanded action of the 1st respondent, in marking the land and making construction of drainage nala in the petitioners' land admeasuring 2000 square meters in Survey No.1044 (old Sy.No.751) situated in Nakkalagutta, Hanamkonda, Warangal District, as being illegal, arbitrary, without jurisdiction, contrary to the principles of natural justice, contrary to Section 147 of the GHMC Act, provisions of Land Acquisition Act, and also in violation of Articles 14 and 300-A of the Constitution of India, and consequently direct the first respondent not to make any construction including drainage nala in the said land and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

While admitting the writ petition on 22.06.2010, this Court passed the following interim order:

“There shall be a direction to the respondents not to make any constructions including drainage nala over the land in question without following due process of law.”

Having regard to the nature of the interim order, it is clear that the respondents cannot make any construction including drainage nala over the

petitioners' land without following due procedure. This order does not preclude the respondents from following due process of law and if they do so, it is always open for the petitioners to take appropriate remedy.

With these observations, in my opinion, the writ petition deserves to be disposed of in terms of the interim order.

Order accordingly.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE, ACJ

Dt:17.07.2015

kdl