

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

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**WRIT PETITION No.25969 of 2012**

**Between:**

Nalam Venkata Subba Rao and others.

...Petitioners

and

State of Andhra Pradesh and others.

... Respondents

DATE OF JUDGMENT PRONOUNCED: **04.08.2015**

**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

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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 his Lordship wish to see the fair copy of the Judgment?            | Yes/No |

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**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

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**WRIT PETITION No.25969 of 2012**

**ORDER:**

This Writ Petition is filed seeking a mandamus declaring the action of the 4<sup>th</sup> respondent in issuing the impugned notices as arbitrary and illegal and consequently, to direct the respondents not to proceed further pursuant to the said notices.

Representation is made on behalf of petitioners' counsel that he became Government Pleader and informed party to engage another counsel.

Heard Government Pleader for Municipal Administration for respondents 1 and 2, Smt K.Mani Deepika for respondent No.3 and Sri Nimmagadda Venkateswarlu for respondent No.4.

Learned Government Pleader for Municipal Administration appearing for respondent No.1 and 2 and the learned counsel for respondent Nos.3 and 4 stated that the *lis* involved in this writ petition is covered by order of this Court, dated 15.11.2012, in W.P.No.35248 of 2012. Operative portion of the said order reads as follows:

“If the owner of a property situate in a Municipal area does not give his consent or agree for the local body to take possession of a portion of his property, respondent No.4 will have to necessarily acquire the land and or structure standing thereon and then alone take possession thereof. Therefore, the 4<sup>th</sup> respondent without following this process of law will not dispossess the writ petitioner forcefully and seek his consent coercively.

With this, the writ petition stands disposed of. No costs.”

In view of the above, the 4<sup>th</sup> respondent shall not dispossess the writ petitioners forcefully without following the due process of law or obtained consent forcibly. However, if the writ petitioners give their consent for handing over the land, the same can be accepted.

The Writ Petition is, accordingly, disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this writ petition shall also stand closed.

A.RAJASHEKER REDDY,J

**AUGUST 04, 2015**  
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THE HON’BLE SRI JUSTICE A.RAJASHEKER REDDY

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**WRIT PETITION No.25969 of 2012**

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**Dt: 04.08.2015**

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