

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.23700 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:

“To issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declare the action of the Respondent authorities in trying to demolish the petitioner premises bearing No. 1-12-43, situated at Bus Depot Road, Medak Town under the guise of road widening without considering the representation dated 4.6.2015 of the petitioner as illegal, arbitrary, violation of Article 14 and 300-A of the Constitution of India and also contrary to the procedure contemplated under the Eland Acquisition Act and consequently direct the respondents not to demolish the petitioner premises bearing Nos.1-12-43, near Bus Depot, Medak Town without following due procedure of law.”

2. Heard Sri Raj Kumar Rudra, learned counsel for the petitioner, the learned Government Pleader for Roads and Buildings appearing for Respondents 1 to 3 and Sri N.Praveen Kumar, learned Standing Counsel for Respondent No.4, apart from perusing the material available on record.

3. According to the petitioner, he is the absolute owner, possessor and title holder of the premises bearing Municipal No.1-12-43 situated at Bus Depot Road, Medak Town. It is also stated that at about 60 years back, construction was made with the permission of the then concerned authorities and since then the petitioner has been in possession of the subject property. It is also stated that the construction was approved and the 4th respondent has been collecting the property tax regularly. It is further stated that earlier when there was threat of demolition of structures, the petitioner herein along with others filed W.P.No.24193 of 1997 and this Court passed interim order in W.P.M.P.No.28204 of 1997, directing the respondents not to demolish the said premises. It is stated by the

learned counsel that subsequently, the said writ petition was disposed of on 24.1.2007. The learned counsel for the petitioner submits that once again there is a proposal for widening the road and the authorities came to the premise and earmarked the structures for demolition of the building. The learned counsel further submits that the petitioner herein made a written representation dated 4.6.2015 to the respondents 2, 3 and 4 and no orders have been passed on the said representation. In the above background, apprehending demolition of the structures, the petitioner herein filed the present writ petition.

4. As per the material available before this Court, the petitioner submitted a representation dated 4-6-2015 before the respondents 2, 3 and 4, and that the same has not been addressed so far, by the respondents. In the facts and circumstances of the case, and having regard to the nature of controversy, this Court deems it appropriate to dispose of the writ petition by directing the respondents herein to consider the representation of the petitioner dated 4-6-2015, before proceeding further with the impugned alleged action.

5. For the aforesaid reasons, the writ petition is disposed of, directing the respondents 2, 3 and 4 to consider the representation of the petitioner dated 4-6-2015, and pass appropriate orders in accordance with law, before proceeding further, with the process of widening of the road. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 29.7.2015

Note:

Issue C.C. in (2) days.

B/o

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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.23700 of 2015

29.7.2015

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

W.P.No.23700 of 2015

Between:

Pola Veeresham

.. Petitioner

And

State of Telangana, rep. by its
Secretary, Municipal Administration,
Secretariat, Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 29.7.2015

SUBMITTED FOR APPROVAL

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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| 1. | Whether the 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 their Ladyship/Lordship wish to see the fair copy of the judgment? | Yes/No |