

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.7778 of 2015

Date: 23-03-2015

Between:

Sri Madvirat Pothuluri Veerabrahmendra Swamy Temple,
represented by its Chairman, Nampally Srinivas and
another

.. Petitioners

AND

The State of Telangana, represented by its
Principal Secretary, Municipal Administration Department,
Secretariat, Hyderabad and two others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.7778 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the action of the 2nd respondent in trying to demolish the structures in respect of the property of the 1st petitioner premises bearing No.2-3-128 to 2-3-132 situated at Kaman Chowrastha, Karimnagar and in respect of the 2nd petitioner property house bearing No.8-7-344/1, situated at Kothirampur, Hyderabad Road, Karimnagar

Town and District without invoking appropriate provisions of law as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the 2nd respondent not to demolish the structures in respect of the property of the petitioners.

2. The case of the petitioners is that the 1st petitioner temple was constructed by donating funds from the pilgrims and caste elders of Viswabrahmins and all are formed one organization to construct the temple in the year 1957 and the 2nd petitioner is the possessor of house property bearing No.8-7-344/1 situated at Kothirampur, Karimnagar and is a registered lease holder vide document No.5126/1998 and since from the date of lease he is having possession and got permission for construction of a building and accordingly, the 2nd respondent constructed a building and paying property taxes regularly in his name. It is stated that the 2nd respondent issued a notice to the petitioners vide Notice No.G2/38/TPS/KMC/ 2015, dated 05-03-2015 stating that the 2nd respondent Corporation is making attempts to widen the 100 feet road with master plan for which a portion of the property of the petitioners, which is stated to be encroached, is required for the said purpose and directed the petitioners to handover such encroached portion of the property to the 2nd respondent by removing the structures within 24 hours from the date of receipt of the notice, failing which the 2nd respondent Corporation would take action for removal of the said structures. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner, who stated that the petitioners have filed their objections before the 2nd respondent Corporation on 09-03-2015, which was received by the 2nd respondent Corporation on 19-03-2015 and without considering the same, the 2nd respondent Corporation is going to demolish the property of the petitioners.

4. Sri R. A. Chari, learned standing counsel for the 2nd respondent Corporation submits that the objections of the petitioners will be considered and necessary action will be taken.

5. The impugned notice is issued on the premise that the petitioners are encroachers and it also shows that the 2nd respondent Corporation issued

notices to the owners of the properties to submit the ownership documents and construction permission and directed to attend awareness meeting. Anyhow, since it is stated that the petitioners have already filed their objections dated 09-03-2015 before the 2nd respondent, it is for the 2nd respondent to consider and take appropriate action thereon in accordance with law. Till such decision is taken by the 2nd respondent, status quo obtaining as on today shall be maintained.

6. With the above observation, the writ petition is disposed of. There shall be no order as to costs. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 23-03-2015

Note: Issue C.C. in three days

B.O./Ksn