

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**THURSDAY, THE ELEVENTH DAY OF JUNE TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.16415 of 2015

Between:

Dourla Balaram, S/o. Simhachalam,
Hindu, Aged about 42 years,
R/o. D.No.3-941/1,
Behind Ambedkar Community Hall,
Recharla Peta, Kakinada & 7 others

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration, Secretariat,
Hyderabad & 2others

.. Respondents

WRIT PETITION No.16415 of 2015

Notices, dated 12.05.2015, were served on the petitioners calling upon the petitioners to explain as to how they are in occupation of land, which belongs to Municipality in Survey No.139 and classified as 'Punta Road'. The

petitioners submitted explanations stating that they are in occupation and enjoyment of properties belonging to them long ago, houses were constructed and they have been living there. The houses are situated far away from the main road. Cement road was laid. Drainage line was drawn and the houses are situated after the drainage line and, therefore, it cannot be said that the petitioners are not in occupation and enjoyment of their own property. This writ petition is instituted alleging that even though explanations are filed by the petitioners, without considering the explanations and passing orders, the respondent Corporation is taking steps to demolish the houses of the petitioners.

2. Learned Standing Counsel representing the respondent Corporation submits that the allegation in the notices is that land in Survey No.139 is classified as 'Punta Road' and the petitioners have constructed illegally houses in the said land and, therefore, they have to vacate the said property. Learned Standing Counsel further submits that though explanation was submitted stating that the petitioners have been in possession and enjoyment for a long time, no proof is filed in support of their claim that the property belongs to them and the houses were validly constructed.

3. At this stage, learned counsel for the petitioners offers to file further explanation and submit all the documents in support of their claim that the land is owned by them and is not forming part of any municipal property.

4. Having regard to the said submissions, the Writ Petition is disposed of, without expressing any opinion on merits, granting liberty to the petitioners to submit supplementary explanation and also to enclose all the relevant documents in support of their claim. Such supplementary explanation shall be filed within a period of two (2) weeks from today. As and when such representation along with the enclosures is received, the Commissioner, Municipal Corporation of Kakinada, Kakinada, East Godavari District (2nd respondent) shall fix a date for personal hearing, afford personal hearing and pass appropriate orders, as warranted by law. The petitioners shall appear in person or through their representative on the date fixed for personal hearing and if the petitioners do not appear or if no explanation is filed within the next

two (2) weeks as directed above, it is open to the Commissioner to pass final orders. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 11th June, 2015

KL

HON'BLE SRI JUSTICE P.NAVEEN RAO

-

WRIT PETITION No.16415 of 2015

-

Date: 11th June, 2015

KL