

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2211 of 2015

ORDER:

The case of the petitioner is that he is the absolute owner and possessor of open plot No.24 in Sy.Nos.1295 and 1296 (new) corresponding to Sy.Nos.1778 and 1779 (old) admeasuring 244.09 square yards situated at Fort Warangal Revenue Village, Warangal City having purchased the same from Sri Gujja Santosh vide registered sale deed bearing document No.11483/2014, dated 23.12.2014, for a valuable consideration of Rs.7,34,000/-. After receipt of the sale consideration, the vendor of the petitioner delivered possession of the plot to the petitioner. The vendor of the petitioner acquired the said property from his mother Smt. Gujja Laxmi vide registered Gift Settlement Deed dated 02.12.2014. The mother of the petitioner's vendor purchased the same from its original pattadars viz., Kokondabathini Yugander and Kandagatla Rajamallaiah vide sale deed dated 02.06.1979 and their names were recorded in the revenue records.

It is submitted that due to rapid development in the area and merger of surrounding Gram Panchayats into the second respondent Corporation, the activities of land grabbers and unsocial elements increased. In order to protect the property of the petitioner from land grabbers, the petitioner constructed a compound wall around his plot. When the third parties tried to interfere with the petitioner's possession, he was constrained to file a civil suit in O.S. No.931/2014 on the file of the Court of the Junior Civil Judge, Warangal against Chimmani Rajan Babu and Mamidala Krishna seeking a decree of permanent injunction. The petitioner also filed I.A. No.1863/2014 under Order 39 Rule 1 and 2 of the CPC seeking temporary injunction pending disposal of the suit.

The trial Court, after hearing the arguments and considering the evidence on record, granted ad-interim injunction vide order dated 19.01.2015. The trial Court, while granting ad-interim injunction directed not to make any construction.

At the instance of the third persons, the second respondent Corporation issued notice dated 24.01.2015 under Section 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, 1955 directing the petitioner to submit explanation for his unauthorised construction. After receipt of the said notice, the petitioner submitted a detailed explanation on 30.01.2015. Without passing any orders on the same, the second respondent Corporation is threatening to demolish the compound wall constructed in the petitioner's plot. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned counsel for the petitioner and Sri C.V.Bhaskar Reddy, the Standing Counsel for the second respondent Corporation.

Since the petitioner has already submitted explanation to the show cause notice dated 24.01.2015, the second respondent Corporation should consider the same and pass appropriate orders in accordance with law. Having received the explanation from the petitioner, without passing any orders on the same, the second respondent Corporation cannot threaten the petitioner to demolish the compound wall constructed.

In the circumstances, *status quo* obtaining as on today shall be maintained till the explanation of the petitioner is considered and appropriate orders are passed by the second respondent Corporation.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall

stand closed.

A.RAJASHEKER REDDY, J

Date: 05.02.2015

Note: Issue C.C. by tomorrow
(B/O)
MVA