

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 15857 of 2011

ORDER:

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With the consent of both the parties, the main writ petition is disposed of at the admission stage.

Heard learned counsel for the petitioner and Government Pleader for Revenue.

The present writ petition is filed seeking issuance of a writ of mandamus declaring the action of the respondents in threatening to demolish the structures of premises bearing H.No.1-4-586/124 situated in 80 square yards at Bakaram, Indira Nagar, Hyderabad, without issuing any notice and without following the due procedure, as illegal and arbitrary and consequently direct the respondents not to demolish or in any manner interfere with the construction made by the petitioner in the above said premises.

The averments in the affidavit filed in support of the writ petition are as under:

The petitioner claiming himself to be the absolute owner and possessor of the premises bearing H.No.1-4-586/124 admeasuring 80 square yards situated at Bakaram, Indira Nagar, Hyderabad as he acquired the same by virtue of a registered gift deed bearing No.4867/1980 dated 13.09.1979 executed by his grand father namely K.Chinna Rajaiah, while he was minor. Since the date of execution of gift deed, the petitioner is said to be in possession and enjoyment of the same without any interruption. It is stated that as the structures

existed in the premises are in dilapidated condition, the petitioner

demolished the old structures and was proceeding with the new construction. It is stated that the petitioner made an application for assessment of the premises and the G.H.M.C. authorities made the assessment in respect of the said premises vide Lr.No.5398-4/TC9/GHMC/2010 dated 30.04.2010. It is stated that on 05.05.2011 while the construction work is going on, the second respondent along with his staff came to the premises and threatened the labourers to stop the construction work without assigning any reason though the petitioner placed before him the relevant documents to substantiate his title and possession. The second respondent while leaving the site threatened to demolish the structures by hook or crook within a week. Hence, the writ petition.

The respondents herein filed counter denying the averments made in the writ petition. It is stated that there is a prohibition of transfer of assigned lands/house site under sub-Section (1) and (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"). Any transfer or acquisition made in contravention of the provisions of sub-Section (1) and (2) of the Act shall be deemed to be null and void. It is stated that the Social Welfare Department allotted the house site patta in favour of Chinna Rajaiah vide patta No.E/4011/69 dated 09.07.1972, but the petitioner purchased the above said plot which is prohibited under sub Section (1) and (2) of Section 3 of the Act.

A reading of the contents of the affidavit filed in support of the writ petition would show that the petitioner apprehends an act of demolition.

Learned Government Pleader for Revenue submits that the question of demolition of structures in the said place would not arise without following due process of law.

Recording the submission made by the Government Pleader and without going into the merits of the case, the writ petition is disposed of by directing the respondents not to take any coercive steps namely demolition of structures raised in house bearing No.1-4-586/124, without following the due process of law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28.07.2015

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