

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5680 of 2012

Date: 29-01-2015

Between:

Md. Amjad Khan

.. Petitioner

AND

The Government of Andhra Pradesh, represented
by its Principal Secretary, Municipal Administration
Hyderabad and 2 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5680 of 2012

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 thatched roof consisting with two rooms bearing Municipal No.6-8-61/13R in Survey No.15, 16 and 17 in Plot No.50 situated at Seetharampet, Tandur Municipality, Ranga Reddy District pursuant to the notice dated 27-10-2011 issued by the 2nd respondent without considering the explanation dated 16-12-2011 submitted by the petitioner as illegal and arbitrary.

2. The case of the petitioner is that he is absolute owner and peaceful possessor of residential house bearing Municipal Door No.6-8-61/13R in Survey No.15, 16 and 17 of Tandur Municipality, Ranga Reddy District and he purchased Plot No.50 in Survey Nos.15, 16 and 17 through a registered sale deed bearing document No.1668/1989 dated 01-10-1989. It is stated that he constructed a thatched roof consisting of two rooms admeasuring 60 square yards from out of 120 square yards in the subject property and also constructed a compound wall and later filed an application before the 2nd respondent for regularization. It is further stated that the 3rd respondent filed O.S.No.8 of 2011 on the file of Junior Civil Judge, Tandur against the petitioner for grant of perpetual injunction and the civil Court granted status quo in I.A.No.65 of 2011 in O.S.No.8 of 2011. The 2nd respondent issued a notice dated 03-09-2011 to remove the construction of two rooms and compound wall as it is unauthorised construction and that the petitioner applied for grant of permission for the execution of work and the same is pending before the 2nd respondent. Thereafter, the 2nd respondent also issued another notice dated 27-10-2011 for demolition, in response to which, the petitioner submitted a detailed explanation dated 16-12-2011, but without considering the same, the 2nd respondent visited the subject property for demolition. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

4. It appears, in the writ affidavit, the petitioner at one stage stated that he made construction of thatched roof consisting of two rooms and a compound wall and later he filed an application before the 2nd respondent for regularization of such construction, but at another stage, he stated that he applied for grant of permission for construction. Admittedly, the petitioner did not obtain any permission for such construction and the application for regularization was rejected on 12-12-2011. It is to be noted that the 3rd respondent filed a suit and obtained status quo in respect of the subject property. The petitioner made contradictory statements and since the application of the petitioner for regularisation is stated to have been rejected, it cannot be said that the action of the respondents in initiating proceedings against the petitioner is arbitrary

and illegal, and hence, the writ petition is liable to be set aside.

Accordingly, the writ petition is dismissed. Status quo granted on 01-03-2012 is hereby vacated. 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: 29-01-2015

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