

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-

WRIT PETITION No.16503 of 2014

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. It is the case of the petitioner that he is eking out his livelihood by doing petty business in premises bearing municipal No.20-4-20/4/A, situated at Panch Mohalla, near Lad Bazar, Hyderabad. He is the absolute owner of the said property consisting of 119.17 square yards, having acquired the same through Hiba dated 27.03.2012 from his father. His father purchased the said land under a registered sale deed dated 21.05.1974. He constructed a house and living in a portion of the same, leaving an extent of 44 square yards towards Western side of the said house. When the Municipal Corporation placed two garbage bins, he objected to the same, and after his objection, the garbage bins were removed. Thereafter, when respondents 3 and 4 tried to install an electric transformer in the said land, the petitioner filed the present Writ Petition.

3. A counter-affidavit is filed by respondents 1 to 4 stating that on the letter of local MLA suggesting the land, they have erected the transformer, in view of the ensuing Ramzan festival and they are not competent to identify the title of the land.

4. However, the learned counsel for the petitioner produced before this Court letter No.ADE/OP/Charminar/SD-IX-Charminar/HYD/D.No.1010/14, dated 19.07.2014, addressed by the fourth respondent to the third respondent intimating the action taken pursuant to the representation submitted by the petitioner. In the said

letter, it was stated that the further work was stopped. The petitioner also filed proceedings before the A.P.TRANSCO Lok Adalat in TLA.No.25 of 2014 and there also the fourth respondent informed the Lok Adalat that he will not take any steps for installing the transformer, and on his undertaking, the case was closed. The third respondent addressed a letter to the petitioner pursuant to the objection raised by the petitioner for installation of electric transformer, wherein it was stated that the work was stopped. In spite of the said assurances, it is stated by the learned counsel for the petitioner, a transformer was erected in the land of the petitioner. The learned Standing Counsel for the respondents also admits the erection of transformer in the said place.

5. In the facts and circumstances of the case, respondents 3 and 4 are directed to take immediate steps for removal of the transformer for relocating the same at another place, if there is any need, and give vacant possession of the land to the petitioner, within a period of 15 days from the date of receipt of a copy of this order.

6. The Writ Petition is, accordingly, allowed. No order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 20.08.2015
TJMR