

***THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR***

**WRIT PETITION No.38139 OF 2015**

**ORDER:**

Heard.

The petitioner claims to be in possession of 85 sq. yards of land which is also stated to have been given number by the Greater Hyderabad Municipal Corporation (GHMC) as H.No.8-166/A situated at Madhura Nagar, Raidurgam, Serilingampally Mandal, Ranga Reddy District. The petitioner states that earlier when there was illegal interference by the GHMC authorities, he approached this Court and filed W.P.No.38244 of 2013 and the same was disposed of by this Court on 27.08.2015 directing the GHMC authorities to follow due process of law if any action for removal of illegal construction was to be taken against the petitioner and the petitioner was also directed not to undertake any further construction. Respondents 2 and 3 herein were not parties to that Writ Petition. The present Writ Petition is filed alleging that there is illegal interference by respondent No.3 and his sub-ordinates and it is stated that a small compound wall erected by the petitioner surrounding the said land of 85 sq. yards was highhandedly demolished without issuing any notice to the petitioner. The petitioner filed the photographs which show the demolished compound wall.

Learned Government Pleader for Revenue has received instructions from respondent No.3, which show that the petitioner is a habitual encroacher and the subject property is also stated to have been encroached by him. It is also stated that since the petitioner has taken up construction violating the orders of this Court, referred to above, action was taken against him.

Though counter affidavit is not filed, it appears from the instructions that the petitioner has encroached the Government land

and if that be so, it is open to the respondents to initiate appropriate proceedings, if they intend to take action against the petitioner by following due process of law instead of causing physical interference without issuing any notice. The photographs filed by the petitioner along with this Writ Petition show that a Mulgi type structure, besides which a compound wall hardly three feet in length and height is stated to be under demolition. Since the capacity in which the petitioner is occupying the said property itself appears *prima facie* doubtful, it is open to the 3<sup>rd</sup> respondent to initiate appropriate proceedings in accordance with law and follow due process of law if any action is intended to be taken against the petitioner. However, till then, there shall be no physical interference with the petitioner's possession over the subject land. The petitioner is also restrained from taking up any further construction and shall maintain the property in the same state as it exists as on today.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**VILAS V.AFZULPURKAR, J**

07.12.2015

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