

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.8407 of 2012

ORDER:

This writ petition is filed seeking the following prayer:

“to issue an order or direction or writ more appropriately a writ of Mandamus to declare the action of the official respondents particularly 2nd to 4th respondents in threatening the petitioners herein to vacate the house premises bearing No.7-2-1271/1/29/A, Shivajinagar, Sanathnagar, Hyderabad-500 018(A.P.) without any authority of law and giving threats to demolish the said premises without following due process of law at the instance of 7th and 8th respondents is illegal and arbitrary and further direct the official respondents not to interfere with the peaceful possession and enjoyment of the petitioners herein in the premises bearing No.7-2-1271/1/29/A, Shivajinagar, Sanathnagar, Hyderabad-500 018(A.P.), without following due process of law and to pass such other order or orders which are deem fit and just in the circumstances of case”

The case of the petitioners is that they are living in a small house bearing H.No.7-2-1271/1/29/A, Shivajinagar, Sanathnagar, Hyderabad, which was constructed in the year 1984 in an open area of 30 Sq.yards by one late K.Laxmaiah, who is the husband of the 1st petitioner and father of respondents 2 to 4, and also obtained a slum certificate in the year 1990. They obtained water and electricity connections. The 7th respondent purchased a house abutting to the northern side of the house of the petitioners in the year 1989, and threatening the petitioners to vacate their house premises. The 7th respondent filed O.S.No.1909 of 1999 on the file of IV Junior Civil Judge, City Civil Courts, Hyderabad, for mandatory injunction and the same was decreed on 04.04.2005, against which the petitioners' father filed A.S.No.600 of 2005 and the same was allowed on

22.01.2007. Aggrieved by the same, the 7th respondent filed S.A.No.734 of 2008 before this Court and the same was dismissed on 19.04.2011. Pending the Second Appeal, the Government has granted house site patta in respect of the property of the petitioners. But the respondent-Authorities without issuing any notice, trying to demolish their house, without following due process of law at the instance of respondents 7 and 8. Aggrieved by the same, this writ petition is filed.

Counter-affidavit is filed by respondents 7 and 8 stating that the petitioners have been issued notice in pursuance of the writ petition filed by them being W.P.No.3932 of 2012. The other aspects of the counter are not relevant.

Heard the learned counsel for the petitioners, learned Government Pleader for Municipal Administration for the 1st respondent, Sri P.Kesavarao, learned Standing Counsel appearing for respondents 2 to 4, Government Pleader for Revenue for respondents 5 and 6 and Sri V.Ravi Kiran Rao, learned counsel for respondents 7 and 8.

During the course of hearing, the learned counsel appearing for respondents stated that the respondents will follow the due procedure before initiating any action against the respondents.

Since the petitioners are disputing the issuance of any prior notice, this writ petition is disposed of with a direction to the 4th respondent to follow due process of law, before any coercive action against the petitioners.

With the above directions, this writ petition is disposed of. No costs. Miscellaneous petitions, pending if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 06-08-2015

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**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No.8407 of 2012

Between:

K.Kanthamma and three others ... Petitioners
and

The State of Telangana and seven others

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 06-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment?
Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish
to see the fair copy of the Judgment? Yes/No

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