

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 14696 of 2010

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ORDER:

Heard learned counsel for the petitioner. None appears for the respondents though served.

In the instant writ petition, the petitioner makes the following prayer:

“For the reasons stated in the accompanying affidavit, it is therefore, prayed that this Hon’ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ order or direction declaring the action of the respondents in issuing notice, dated 23.06.2010 asking the petitioner to demolish his small residential house in premises No.22-2-202/1, Dabberpura, Komatwadi, Hyderabad which is constructed in a plot of land admeasuring 95.31 square yards by demolishing the old dilapidated house, as arbitrary, illegal, null and void and violative of principles of natural justice. Consequently, direct the respondents not to demolish the small residential house in premises No.22-2-202/1. Dabeerpura, Komatwadi, Hyderabad which is constructed in a plot of land admeasuring 95.31 square yards and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

While admitting the writ petition on 24.06.2010, this Court granted interim direction as prayed. Interim direction, as prayed in W.P.M.P.No.18507 of 2010, reads thus:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble court may be pleaded to direct the respondents not to demolish the small residential house in premises No.22-2-202/1, Dabeerpura, Komatwadi, Hyderabad which is constructed in a plot of land admeasuring 95.31 square yards and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

Learned counsel for the petitioner submits that the respondents are likely to demolish the house property in dispute without following the due process of law.

This writ petition was filed in 2010 and the interim order, as aforementioned, was passed on 24.06.2010. Till this date, the respondents have not filed any counter-affidavit nor have they made any efforts to take the writ petition for hearing. Even today, none appears for the respondent-Corporation.

In view thereof, I am satisfied that this writ petition can be conveniently disposed of by the following order:

“The respondents shall not take any action/demolish the residential house, as mentioned in the prayer of the writ petition, without following the due process of law. In other words, the respondents shall not take any action against the petitioner in respect of the residential house as mentioned in the prayer clause without following the due process of law.

Consequently, miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

DILIP B. BHOSALE,

ACJ

Dt:17.07.2015

kdl