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**HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.12788 of 2009**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India, challenging the action of the respondents in earmarking the houses bearing H.Nos.14-1-63, 14-1-63/1 of the first petitioner, 11-25-144 of the second petitioner and 11-25-145 of the third petitioner situated in Gopala Swamy Temple Area, M.G.Road, Warangal, without following the due process of law, as being illegal, arbitrary, against the principles of natural justice and violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India.

2. Heard and perused the record.

3. According to the petitioners, they are the owners of the above mentioned houses. The only grievance as evident from the affidavit filed in support of the writ petition is that the respondent authorities without recourse to law are attempting to demolish the houses of the petitioners herein. It is also the case of the petitioners herein that the respondents have neither issued any prior notice nor initiated any proceedings under the Land Acquisition Act.

4. This Court, on 30.06.2009, granted interim order directing the respondents herein not to demolish the houses in question belonging to the petitioners herein.

5. This Court, issued *Rule Nisi* on 19.08.2009. No counter affidavits have been filed by the respondents herein either denying the averments made in the affidavit filed in support of the writ petition or in the direction of justifying the impugned action.

6. Right to property is a constitutional right as enshrined under Article 300-A of the Constitution of India which mandates that no citizen shall be deprived or divested of his or her property except in accordance with the procedure established by law.

7. In the instant case, the grievance of the petitioners is that without recourse to law, the respondent authorities are attempting to demolish their houses. In view of the above constitutional mandate, the said action on the part of the respondent authorities cannot be approved. If the private properties are required, the authorities need to follow the due process of law for acquiring the same by paying compensation, but the highhanded action cannot be resorted to.

8. In view of the above reasons, writ petition is allowed directing the respondents herein not to demolish the houses of the petitioners herein and not to dispossess them except in accordance with law. Consequently, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:20.03.2015  
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HON'BLE SRI JUSTICE A.V.SESHA SAI

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**WRIT PETITION No.12788 of 2009**

**Date :20.03.2015**

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**HON'BLE SRI JUSTICE A.V.SESHA SAI**

**WRIT PETITION No.12991 of 2009**

**Date :20.03.2015**

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**Between:**

Sandru Bhaskara Lingam S/o Sri Venkataiah,  
Aged about 65 years, R/o H.No.8-1-84,  
Old Beet Bazar, Warangal and two others. ... Petitioners

and  
Kakatiya Urban Development Authority,  
Warangal, Warangal ... Respondents

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