

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6591 OF 2015

ORDER :

This writ petition is filed for a *Writ of Mandamus* declaring the action of the respondents 2 and 3 in trying to demolish the structure of the petitioners houses situated at Kothirampur, Karimnagar Town and District, as illegal and arbitrary and for a consequential direction to the respondents not to remove their houses.

The case of the petitioners is that they are the owners and possessors of house bearing No.8-4-203 in Sy No.415 in Plot No.51 to an extent of 52 sq. yards, house bearing No.8-4-203/A in Sy.No.415 in Plot No.51 to an extent of 52 sq.yards and house bearing No.8-4-203/B in Sy.No.415 in Plot No.51 to an extent of Ac.56 sq.yards respectively situated at Kothirampur, Karimnagar Town and District. It is stated that when the issue of road widening was arose in the year 1997, the original allottee filed W.P.No.29636 of 1997 and this Court vide order dated 10.11.1997 disposed of the same concluding that the respondent cannot demolish the property to whomsoever it belongs to, without giving notice to the owner and without following due process of law. While so, once again the respondents straight away issued impugned notice dated 05.03.2015 to the petitioners directing them to handover the possession of the encroached portion of the property to the Municipal Corporation by removing the structures effected within 24 hours. In pursuant to the same, the petitioner made a representation dated 07.03.2015 by Registered Post. Without considering the same, the respondents are trying to demolish the petitioner's property. Aggrieved by the same, the

present writ petition is filed.

Heard the learned counsel for the petitioners

Sri R.A.Chary, learned Standing Counsel for respondent-Corporation submits that action will be initiated against the petitioners only after considering their representation as per law.

Since the representation made by the petitioners is pending before the respondents, it is for the respondents to consider the same and pass appropriate orders. Till such time, *status-quo* obtaining as on today shall be maintained by both the parties. However, it is also open for the petitioners to make a fresh representation to the respondents. If it is found that no representation is filed by the petitioners, it is open for the respondents to take appropriate action according to law.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

12.03.2015

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