

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2383 OF 2015

ORDER

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This writ petition is filed seeking a writ of mandamus declaring the action of the respondents No.2 to 4 in trying to demolish the petitioner's building bearing MCH No.12-4-1238 & 1239 situated at Charminar, Hyderabad, without following due process of law, as illegal and arbitrary and for a consequential direction to the respondents not to interfere with the petitioner's building situated in the above said premises.

The case of the petitioners is that they are the absolute owners and possessors of the house bearing MCH.No.20-4-1238 and 20-4-1239 admeasuring 143 sq.yards situated at Charminar, Hyderabad, constructed by A.P.Housing Board. The petitioner's vendor one Shaik Omer purchased the said property from the A.P.Housing Board and paid the total sale consideration of Rs.1,43,000/- to the A.P.Housing Board and the same was registered in his favour by a registered sale deed vide document No.466/98 before the office of Sub-Registrar, Charminar, Hyderabad. Thereafter, Shaik Omer Abdulla sold ground floor of the said property bearing No.20-4-138 and 1239 admeasuring 47.66 sq.yards in favour of the 1st petitioner and Babu Rao and 2nd floor of the said property bearing MCH No.20-4-1238 and 1239 to the 2nd petitioner and Smt.A. Maya w/o Babu Rao through registered sale deed dated 03.03.1991. Later Babu Rao and his wife executed the registered release deed in respect of above said properties in favour of the petitioners. As such they have become the absolute owners and possessors of the property. The petitioners are running a Cafe and Bakery in the name of Nimrahin in the above said premises. While so, on 03.02.2015, the respondent Nos.2 to 4 went to petitioner's premises and tried to demolish the building without giving any notice to the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners.

Sri C. Damodar Reddy, learned Standing Counsel for respondents on instructions submits that the respondents have not initiated any action against the petitioners. In case need arises, respondents will follow due process of law and the Rules contemplated under Hyderabad Municipal Corporation Act.

In view of the submissions made by the learned Standing Counsel for the respondents, this writ petition is disposed of directing the respondents not to demolish the house of the petitioners without following due process of law. No order as to costs. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

Date: 06.02.2015

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