

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 29120 of 2012

ORDER:

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This writ petition is filed seeking a mandamus declaring the action of the 4th respondent in issuing the notices in Roc.No.917/2009/G1/TPS dated 02.08.2012 and Roc.No.917/2009/G1/TPS dated 11.07.2012 as illegal and arbitrary.

When the matter is taken up for hearing, it is submitted by the learned counsel for the petitioners and the learned counsel for the respondents 3 and 4 that the lis involved in this writ petition is covered by an order of this Court in Writ Petition No.35248 of 2012 dated 15.11.2012. The operative portion of the said order reads as follows:

"If the owner of a property situate in a Municipal area does not give his consent or agree for the local body to take possession of a portion of his property, the respondent No.4 will have to necessarily acquire the land and or structure standing thereon and then alone take possession thereof. Therefore, the 4th respondent without following this process of law will not dispossess the writ petitioner forcefully and seek his consent coercively.

With this, the writ petition stands disposed of. No costs."

In view of the above, the 4th respondent shall not dispossess the writ petitioners forcefully without following the due process of law. However, if the writ petitioners give their consent for handing over the land, the same can be done.

The Writ Petition is accordingly disposed of. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this writ petition shall also stand closed.

A. RAJASHEKER REDDY, J.

23rd June, 2015

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