

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.37247 of 2015

ORDER:

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in trying to dispossess the petitioners from their respective houses/shops including open plots adjacent to Markandeya Temple situated at Hasanparthy Village and Mandal, Warangal District without any notice and without initiating Land Acquisition proceedings as bad arbitrary, illegal and Unconstitutional and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the houses/shops of the petitioners including open land adjacent to Bhaktha Markandeya Temple situated at Hasanparthy Village and Mandal, Warangal District and pass such other and further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case in the interest of justice.”

The Commissioner, Greater Warangal Municipal Corporation, filed a counter-affidavit wherein he stated as under:

“This respondent Corporation with an intention to lay C.C. Road over the said existing road have allotted the work to successive bidder through e-procurement vide IFB/Tender No.08/SE/WMC/CTN/19/e-procurement/ 2014-2015, dated 05.02.2015. Accordingly this respondent Corporation has completed the work of C.C. road as per the existing road parameters only. It is most humbly submitted that while laying of the said road, this respondent Corporation neither removed any shops/houses nor encroached any private lands. As such the petitioners allegations with regard to encroachments over their alleged land and shops/houses are imaginary and baseless, hence denied, and initiation of Land Acquisition proceedings does not arise.”

The aforestated stand of the Municipal Corporation is taken on record.

In the light thereof, learned counsel for the petitioners states that no further adjudication is required in this writ petition and that the stand put forth by the Corporation should be implemented by it.

As the Corporation has filed a sworn affidavit stating its stand, it is bound to abide by the same.

Recording the said stand, the writ petition is closed.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR, J

Date:14.12.2015

GJ