

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.34743 of 2016

ORDER:

Vide the present petition, the petitioner seeks Mandamus declaring the continued threats to illegally demolish H.No.242, Ramnagar, Picket, Secunderabad, also called 'Choppamandi', admeasuring about 1022 sq.yds., by the 1st respondent, without any form of notice or opportunity given to the petitioner to explain her legal possession as tenant of the 3rd respondent, as illegal, arbitrary against the principles of natural justice.

Learned counsel for the respondent No.1 submits that the action whatever on the property in question shall be taken under due process of law.

Admittedly, the petitioner is the tenant of 3rd respondent. If any action is taken qua the said property being in the cantonment area, that would be in between respondents No.1 and 3. Since the petitioner is possessing the property in question as a tenant, then if any demolition is carried out, the petitioner shall be put to notice.

Keeping in view the statement made by the learned counsel for the respondent No.1 and the submissions of the learned counsel for the petitioner, I hereby dispose of the petition by directing the respondents that if demolition is

carried out the petitioner being a tenant of 3rd respondent shall be put to the notice in addition to 3rd respondent.

Needless to state that if the petitioner is still aggrieved, he may approach the appropriate forum.

In view of the above direction, this Writ Petition is disposed of with no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date: 14-10-2016
gvl

