

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15355 of 2009

ORDER:

1. This writ petition was filed challenging the action of the respondents in seeking to demolish the compound wall constructed around the plot of the petitioner bearing No.128/1 in Sy.No.5 (New) admeasuring 300 square yards situated at Waddepalli village, Hanamkonda Mandal, Warangal District.

2. This Court, by order dated 29.07.2009, directed the respondents not to demolish the compound wall constructed around the plot of the petitioner without following due process of law.

3. A counter-affidavit was filed by the 2nd respondent stating that the alleged property was developed by the petitioner by closing the width of Nala, encroaching into a width of 100 feet and obstructing the free flow of surplus water coming from Waddepally tank. When the authority issued publication to remove the structures encroached into the Nala portion, the present writ petition was filed. The technical staff of the Kakatiya Urban Development Authority along with the Tahsildar, Hanamkonda, visited the spot and taken measurements of the Nala and it was noticed that the petitioner encroached by filling up the surplus weir with a *mala fide* intention to encroach the Nala.

4. In view of the above averment of the 2nd respondent that the petitioner encroached into a portion of the Nala by filling up the

weir portion, it is open to the respondents to take appropriate action by issuing a notice to the petitioner in accordance with law.

5. The Writ Petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

01-12-2016
Gsn

