

HON 'BLE SRI JUSTICE S.V.BHATT

W.P. No.4707 OF 2013

ORDER:

Heard Mr.Raja Gopallavan Tayi for petitioner and the  
Government Pleader for Panchayat Raj.

The petitioner prays for the following relief:

“ ..Issue an appropriate writ, order or direction, more particularly a Writ in the nature of Mandamus, declaring the action of the 1st and 2nd respondents in trying to demolish the constructions made over the plot nos. 6,7,8,9 and 10 in Sy. No. 461 to an extent of 1733 sq yards situated at Puppalaguda village and Gram Panchayat, Rajendra nagar Mandal, Ranga Reddy District, without following the due process of law, as being illegal and arbitrary, apart from being in violation of Arts.14 & 300-A of the Constitution of India, and consequently set aside the notice dt 11-1-2013 issued by the 2nd Respondent vide proceeding bearing no GP16/2013 as illegal and un-constitutional ..”

On 15.02.2013, the following interim order was passed.

“When the matter is taken up, it is represented by the learned Standing Counsel appearing for respondents that in similar matters, while issuing notice before admission, interim directions are issued by a learned Single Judge of this Court.

Hence, Notice before admission.

Interim direction to restrain the respondents or their agents, workmen, personnel or any department

officials or anybody on behalf of respondents not to interfere with the peaceful possession and demolish the structures raised in the schedule land i.e. Plot Nos.6,7,8,9 and 10 in Sy.No.461 to an extent of 1733 square yards situated in Puppalaguda village and Gramapanchayat of Rajendra Nagar Mandal, Ranga Reddy District, without following the due process of law by demolition. But, however, the petitioner shall not use or put to use the offending structures for occupation. The petitioner shall not make any constructions either by way of additions or improvements or internal constructions. However, the petitioner shall take photographs of the existing structure from all the four sides of the building and lodge one such set of photographs with the Gram Panchayat, Puppalaguda as well as the Registrar (Judicial) of this Court, latest before the end of working hours on 19.02.2013.”

I have perused the annexures filed along with the writ affidavit. Since no counter affidavit is filed, this Court is constrained to make the interim order as final order in the writ petition. However, whether the building constructed by the petitioner is fully compliant and/or either in accordance with the permission granted by the competent authority or in accordance with the regularization allegedly obtained by the petitioner, is required to be verified. Hence, while disposing of the writ petition as indicated above, liberty is granted to

authorities, if circumstances so warrant, to proceed against the petitioner in accordance with law.

The writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT,J

Date: 26.10.2016

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