

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33546 OF 2016

ORDER:

This writ petition is filed challenging the order dated 28-12-2015 in CMA.No.128 of 2007, wherein the appellate authority confirmed the order of removal of encroachment made by the petitioner. As far as damages are concerned, the matter was remanded to the competent authority.

Learned counsel for the petitioners submits that in similar circumstances the appeals filed by other allottees were allowed. But in the present case, the order of the competent authority is confirmed only to the extent of eviction and removal of encroachment.

Learned Standing Counsel for the respondent-Housing Board submits that the petitioner himself admitted in his explanation that he has constructed compound wall appurtenant to the open space by encroaching the land surrounding the flat. In view of the same, no interference is called for and order of the 2nd respondent cannot be faulted.

It is to be seen that the 2nd respondent-appellate authority basing on the explanation of the petitioner admitting construction of compound wall appurtenant to the open space surrounding the flat, confirmed the order of eviction and also removal of encroachment. When the petitioner himself admitted about encroachment, it cannot be

said that the order passed by the 2nd respondent is erroneous. In view of the admission of the petitioner, I do not see any reason to entertain the writ petition.

Accordingly, the writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

14-10-2016

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