

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 40589 OF 2015

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both parties, the present Writ Petition is disposed of at the admission stage itself.

The present Writ Petition is filed to declare the action of the second respondent in partly demolishing the structure existing in premises bearing GHMC No.5-3-33, plot No.A, East Part, Survey No.233 (232), Saheb Nagar Kalan, Ranga Reddy District, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition would show that the petitioner-society was granted license for retail sale of toddy vide license No.69, dated 05.10.2007. The society was carrying on business of sale of toddy in the premises bearing GHMC No.5-3-33, plot No.A, East Part, Survey No.233(232), Saheb Nagar Kalan, Ranga Reddy District, pursuant to the said license. It is stated that the said property was purchased by the members of the society by way of registered sale deeds bearing Nos. 4492/1995 and 4493/1995 and the same was numbered as 5-3-33 situated in Survey No.233. It is stated that on 12.12.2015, at about 11.00 a.m., officials from the office of Tahsildar came to the spot and started demolishing the property. It is stated that without giving any notice, the authorities have demolished the structures raised in the property belonging to the petitioner-society. Challenging the same, the present Writ Petition is filed.

On 15.12.2015, this Court directed the Assistant Government Pleader to get instructions. Today, when the matter is taken up, learned Government Pleader states that the petitioner tried to encroach into the Government land situated in Survey No.234 and started raising structures

and hence the authorities removed the constructions which are raised in the land belonging to the Government and that they have not interfered with the structures present in the property belong to the petitioner-society which is in survey No.233. But the same is however disputed by the learned counsel for the petitioner.

Without going into factual aspects, the present Writ Petition is disposed of directing the respondents to proceed in accordance with law, if the petitioner either encroach on to the Government land or raise any structures in Survey No.234, which belongs to the Government. However, learned counsel for the petitioner submits that his clients will not venture to encroach or raise any structure in the Government land situated in Survey No.234. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.01.2016
vhb