

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.3705 of 2011

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the action of Respondent No.1 to 7 herein in evicting the petitioners from the premises bearing H.No.4-3-122 situated within the campus of Crawford memorial Hospital at Vikarabad without following due process of law as arbitrary, illegal and without jurisdiction and consequently set aside the notice dt. 14/2/2011 issued by the Respondent No. 6 and 7 as arbitrary illegal and without jurisdiction.”

Heard learned counsel for the petitioners and learned Government Pleader for Home for respondents, apart from perusing the material available before this Court.

The sum and substance of the grievance of the petitioners in the present writ petition is eviction of the petitioners from the premises bearing H.No.4-3-122 situated within the campus of Crawford Memorial Hospital at Vikarabad without following due process of law and consequentially petitioners are praying to set aside the notice, dated 14-02-2011 issued by respondent Nos.6 and 7.

Since the respondents 6 and 7 are not statutory authorities this Court is not inclined to go into the validity or otherwise of the notice, dated 14-02-2011 issued by the said respondents. However, the grievance of the petitioners herein is also against respondents 1 and 2.

A counter-affidavit is filed by respondent No.2 and paragraph No.9 of the said counter-affidavit reads as under:

“9. In reply to paras 9 and 10 of the petitioners’ affidavit it is respectfully submitted that, the allegations of the petitioners that this respondent is interfering with the civil disputes and tried to evict them forcefully are incorrect, baseless and far from truth and have been created for the purpose of filing the present writ petition. It is submitted that, this respondent did not interfere with the civil dispute of petitioner with regard to the H.No.4-3-122, situated within the campus of Crawford Memorial Hospital at Vikarabad at any point of time.”

While referring to the said averments in paragraph No.9 of the said counter-affidavit it is requested by learned counsel for the petitioners to dispose of the writ petition by placing on record the above averments and with a further liberty to the petitioners to approach an appropriate forum of law against the action of the other un-official respondents. This Court considers the said request as reasonable.

For the aforesaid reasons, without expressing any opinion on the other merits and demerits in the writ petition, the writ petition is disposed of, by placing on record the averments in paragraph No.9 of the counter-affidavit of the 2nd respondent and with a further direction to the respondents 1 and 2 not to interfere with the civil disputes with regard to the subject property, except in accordance with law and with a further liberty to the petitioners to approach an appropriate forum of law against the respondents 3 to 7. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ

Petition shall stand closed.

A.V. SESA SAI, J

January 20, 2016

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