

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 13527 OF 2012

ORDER:

Petitioners claimed that they are residents of Rajiv Gandhi Nagar, near Borabanda Railway Station, Moosapet Division-118 of GHMC, Balangar Mandal, Hyderabad. There are about 1600 houses and families residing in the said Rajiv Gandhi Nagar locality and Safdar Nagar locality. The said locality is a slum area and their names were found in the voters list and they have been residing in the said area for the last 30 years. It is alleged that they have purchased the said property by way of unregistered agreement of sale from the original owner Mohd. Kamaluddin S/o late Ahmed Jalaluddin and family. The said locality has spread out in Ac. 38 in S.Nos. 892, 896, 897 and 898, Kukatpally village, Balangar Mandal, Ranga Reddy District. While so, on 1.5.2012, respondents visited the locality and unauthorizedly demolished the houses and structures affecting the rights of the petitioners without giving any notice to petitioners before demolition. In those circumstances, petitioners filed the present Writ Petition challenging the inaction of the respondents in demolishing the houses and structures of the petitioners and other residents.

This Court by an order dated 11.5.2005 granted interim stay of demolition of the premises in question, but gave liberty to respondents to take further action by following due process of law.

Though no counter affidavit is filed on behalf of first respondent, the learned Standing Counsel appearing for first respondent on the basis of instructions submits that Mysamma Cheruvu is situated at Circle-14, Kukatpally in an extent of Ac. 172.18. An extent of Ac.84.02 of land was surrounded by slum area known as Rajiv Gandhi Nagar and Safdhar Nagar and some pakka houses were constructed 10 years back and six numbers of G+2 RCC structures were removed earlier. Cases were booked against the encroachers by the Mandal Revenue Authority and the FTL were fixed by the Irrigation Department. Even after fixing the FTL, the encroachers constructed the temporary sheds within the FTL boundary. The Executive Engineer, North Tanks Division, Budha Bhavan, MG Road Secunderabad addressed a letter dated 1.3.2012 to the Deputy Commissioner, Circle-14, Kukatpally, stating that there is heavy dumping of debris and illegal constructions of structures within FTL area. Recently, the first respondent officials inspected the Cheruvu and observed that the encroachers have started the construction of houses on war footing basis. After inspecting the area, the officials of Revenue, Irrigation and GHMC have removed the unfinished and unoccupied structures within the FTL area as they were causing nuisance and pollution to the neighbouring colonies and the Cheruvu.

In view of the above averments made in the counter affidavit, this Court sees no ground to interfere with the action of the

respondents. However, if any of the petitioners possess valid title, it is open to the petitioners to submit the documents to the respondents in order to prima facie satisfy with regard to title of the petitioners and if they are satisfied with the prima facie title, respondents should follow the due process of law before taking further action.

With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

DATE: 19.10.2016

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A. RAMALINGESWARA RAO, J

