

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.10376 of 2009

ORDER:

1. The petitioner claims that he is the absolute owner and possessor of the premises bearing H.No.17-1-211/5/A admeasuring 43.00 square yards situated at Santhoshnagar, Mouza Sultan Alawa, Hyderabad. He states that he constructed a small portion over the said land for the purpose of establishing a mechanic shop in the name and style of M/s Baba Motors. While so, when the respondent issued a show cause notice on 14.05.2009 under Section 452 of the H.M.C. Act, 1955, the petitioner submitted his explanation on 16.05.2009. Without considering the said explanation, when the respondent tried to interfere and demolish the structures, the present writ petition was filed.

2. This Court by order dated 21.05.2009 granted interim direction not to demolish or interfere with the possession and enjoyment of the said property pending disposal of the writ petition.

3. Even after seven years, no counter-affidavit is filed by the respondent.

4. In the circumstances, the Writ Petition is disposed of directing the respondent to consider the explanation submitted by the petitioner on 16.05.2009 to the show cause notice issued on 14.05.2009 and pass appropriate orders thereon in accordance with law. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

