

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.21763 OF 2016

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent and the learned Standing Counsel appearing for the 2nd respondent. With their consent, the present Writ Petition is disposed of at the admission stage.

Since this Court is not going into the merits of the case, hearing the 3rd respondent may not be necessary.

2 . The present writ petition came to be filed with the following prayer:

“to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents particularly the action of the 2nd respondent in resorting to take away the land of the petitioner an extent of Ac.0-43 cents in T.S. No.205, 9th Block, Ward No.1 of Tenali Town by evicting the petitioners without issuing any notice nor acquiring the land nor following any due process of law as illegal, highhanded, arbitrary, malafide and violative of Article 300-A of the Constitution of India and violative of principles of natural justice and consequently direct the respondents not to interfere with the possession and enjoyment of the petitioner in respect of the said land in the interest of justice.”

3. Though various grounds are raised in the writ petition, learned counsel for the petitioner mainly submits that the respondent authorities are trying to raise construction in the land belonging to the petitioner by evicting him, without issuing any notice.

4. Learned Standing Counsel for Municipality appearing for the 2nd respondent disputes the same and further submits that the petitioner himself occupied the Government land and as such, question of giving notice would not arise.

5. Having regard to the facts and circumstances of the case and without going into merits of the case, the Writ Petition is disposed of directing the 2nd respondent to consider the representation dated 28.06.2016 said to have been made by the petitioner, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after giving an opportunity of personal hearing of the petitioner and also the unofficial respondent, by 18.07.2016. Till then, both parties shall maintain status quo as on today. Needless to mention that any action taken by the respondent authorities shall be subject to the orders to be passed on the representation made by the petitioner.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:05.07.2016
INL