

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.39557 OF 2015

ORDER:

The writ petition is filed questioning the action of the officials of the respondent-Board in seeking to demolish the petitioners' respective dwelling houses.

It is the case of the petitioners that they are in occupation of certain portions of the dwelling houses situated at Annanagar, Indrammanagar, Rasoolpura, War No.2, Secunderabad Cantonment Board limits, Hyderabad. Petitioners are also having electricity connections and they are paying the taxes to the Cantonment Board. While things stood thus, the petitioners are being disturbed and they are sought to be evicted without following the due process of law.

Heard the learned counsel for the petitioners and the learned standing counsel for the Cantonment Board.

The factum of the petitioners being in possession and enjoyment of small extents of land is not disputed. However, the learned standing counsel for the Board submits that the land belongs to the Cantonment Board and it is abutting the compound wall of the Air Port which is being used by the Indian Air Force particularly for the purpose of landing and take off of the Military Aircrafts. As the occupation of the petitioners is likely to pose threat to the Defence Establishment, they are required to be removed. However, the learned standing counsel for the Board while denying about the allegation of illegal interference by the officials of the Cantonment Board submitting that they would follow the due process of the provisions of the Cantonment Act, 2006.

Having considered the rival submissions and considering the narrow compass in which the dispute lies, the writ petition is being disposed of with a direction to the respondent-Cantonment Board not to interfere with the tenements of the petitioners without taking any recourse to the provisions of the Cantonment Act, 2006 or any other enactments for eviction of the petitioners. However, it is made clear that the Cantonment Board may take all necessary steps to evict the petitioners by duly following the procedure prescribed either under the

Cantonment Act or by following due process of law under the Land Encroachment Act.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:06.01.2016.
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THE HON’BLE SRI JUSTICE CHALLA KODANDA RAM

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