

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.NO.21281 OF 2016

ORDER

Heard the learned counsel for the petitioner and the learned Government Pleader for Municipal Administration and Urban Development and at their request the matter is being disposed of at the stage of admission.

This writ petition is filed to declare the action of the respondents – Municipal authorities in taking steps to dispossess or demolish the petitioner – Church, which is in an area of 120 sq. yards beside 20 feet C.C. Road, near to Musi, Waddera Basti of Friends Colony, Musarambagh, Hyderabad, without following the due process of law, as illegal, and arbitrary and violative of Articles 14, 19 and 21 of the Constitution of India.

It is to be noted that earlier W.P.No.19849 of 2016 was filed with the following prayer:

“Issuance of writ of Mandamus declaring the action of the respondents in not taking any action against the illegal encroachers, who encroached the 40’ public road of Friends Colony at Moosarambagh, Hyderabad and construction of a pucca building day and night openly and to the knowledge of the respondents, as illegal, arbitray and contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955 and consequently direct the respondents to remove the illegal constructions on the 40’ public road abutting to plot No.38”

The property which is subject matter of alleged encroachment in the earlier writ petition and in the present writ petition is one and the same. By an order dated 21.06.2016 this Hon’ble Court in W.P.No.19854 of 2016 passed the following order :-

“Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent authorities

to remove the illegal encroachments on the 40' public road abutting to plot No.38, situated at Friends Colony, Moosarambagh, Hyderabad, in accordance with law. It is needless to mention that the police shall, on requisition, provide necessary assistance for removal of un-authorised encroachments, which shall be in accordance with law. No order as to costs."

It is stated that immediately after passing of the order directing the authorities to remove the encroachments in accordance with law the present writ petition came to be filed questioning the action of the respondents in trying to remove the constructions/obstructions without following due process of law.

In view of the observations made in the earlier order, no further order need be passed as a reading of the earlier order also show that a direction was given to the respondent authorities to remove the encroachments in accordance with law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

11.07.2016
AVS/GM