

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Writ Petition No.42068 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking to issue an appropriate writ, order or direction, more particularly one in the nature of writ of *Mandamus* declaring the action of the respondents in trying to demolish the compound wall and the temporary room building on Plot No.1 bearing H.No.96 in Sy.Nos.30, 31, 32 of Venkata Ramaiah Housing Complex at 108 Bazar Road, A.O.C., Marredpally, Secunderabad Cantonment without following the procedure contemplated under Sections 247, 248 and 249 of Cantonment Act or putting the petitioner on notice as being illegal, arbitrary and consequently direct the respondents not to demolish the aforesaid property without following the due process of law.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home and perused the material available on record.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the petitioner to make an application before the competent authority for construction of compound wall. The said authority is directed to dispose of the same within a period of one month from the date of receipt of the application. In the meanwhile, both parties are directed to maintain *status quo*. However, the respondents are at liberty

to issue notice, if the petitioner has already made any construction without proper permission.

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

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

02.12.2016

skmr

