

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3837 of 2016

Date:09.02.2016

Between:

K.Sarojana,
W/o Rajamallu

..... Petitioner

And:

The State of Telangana., repto by its
Principal Secretary, Municipal Administration
Department, Hyderabad,
and two others.

.....Respondents

Counsel for the Petitioner: Ms. J.Sumathi

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

Counsel for Respondent No.3: AGP for Revenue (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.2, in interfering with the petitioner's peaceful possession and enjoyment of Plot No.23 in Survey No.703 situated in B.Y.Nagar, Rayani Cheruvu, Sircilla, Karimnagar District, as illegal

and arbitrary.

The petitioner has earlier filed Writ Petition No.35647 of 2013 for a *Mandamus* to declare the action of the respondents in interfering with her right to carry on repairs and renovation work of her house over the property which is the subject matter of the present Writ Petition. On 05.9.2014, this Court dismissed the said Writ Petition with the observation that the petitioner has not filed any material in the form of electricity bills or tax receipts to indicate the existence of any structure in the said land since 1993 and that, in the absence of such evidence, it is not possible to accept her contention that she is only renovating the existing structure and not raising new structure. This Court further observed that if the petitioner is erecting any new structure, she is expected to obtain permission from respondent No.2 and that, she has not come to the Court with clean hands.

In her affidavit, filed in the present Writ Petition, the petitioner pleaded that in pursuance of the interim order granted by this Court in Writ Petition No.35647 of 2013, she has made repairs and white-washed the house; that following the dismissal of the Writ Petition, the staff of respondent No.2 demolished a part of her house; and that on 04.02.2016, they have come to her house and asked her to vacate the house within a week or else to face the consequences. Apprehending her dispossession, the petitioner filed this Writ Petition.

Learned counsel representing Mr. N.Praveen Kumar, learned Standing Counsel for respondent No.2, submitted that after the dismissal of Writ Petition No.35647 of 2013, the petitioner started raising constructions and that, respondent No.2 removed the illegal constructions. He has, however, submitted that as of now, respondent No.2 is not proposing to interfere with the petitioner's possession of the vacant site. He has

further submitted that the petitioner is not entitled to carry on any construction without obtaining permission and that, however, her possession of the vacant site will not be disturbed without following due process of law.

In the light of the facts referred to above, as the petitioner's grievance in the present Writ Petition is confined only to the alleged attempt of respondent No.2 to dispossess her from the above-mentioned property, respondent No.2 is directed not to dispossess the petitioner from the said property without following due process of law. At the same time, the petitioner is restrained from raising any construction without obtaining permission from respondent No.2.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.4917 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*09th February, 2016
DR*