

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.40879 of 2016

ORDER:

The petitioners challenge notice dated 21-11-2016 issued by 4th respondent calling upon them to remove alleged unauthorized constructions in R.SNo.124/1A particularly construction undertaken at a place set apart for communal purposes. The petitioners rely upon Possession Certificate dated 28-11-2015 issued by the 3rd respondent, submit that the explanation was given to 4th respondent, the 4th respondent, without considering the explanation given by them, has been acting under the influence of occupants of same locality and threatening for demolition as stated in the notice impugned in the writ petition. If demolition is carried out, the petitioners would suffer financial loss, hardship and irreparable injury. Hence, the writ petition.

Sri Cheemalapati Ravi representing the 4th respondent submits that since a notice is issued, the 4th respondent will consider the explanation of petitioners, enquire into the matter, afford opportunity and pass orders as are warranted in the fact situation of the case.

The controversy is whether the possession of petitioners at subject plot is legal or valid and the conclusion can be drawn from the details, the 3rd respondent would be furnishing in this behalf to 4th respondent. Therefore, it is a case for due enquiry and a decision thereafter can be taken.

Hence, the writ petition is disposed of by this order.

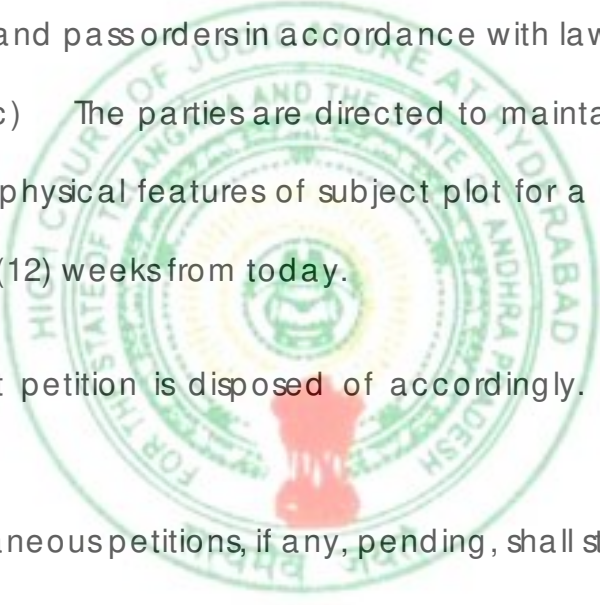
(a) The petitioners are given two weeks time from today to file additional explanation, if any, to the show-cause notice dated 21-11-2016 and mark a copy to 3rd respondent as well.

(b) The 4th respondent conducts enquiry and is further directed not to proceed on presumptions but get information from the 3rd respondent on the list of beneficiaries, furnish a copy to petitioner, afford opportunity in the enquiry proposed to be held in this behalf and pass orders in accordance with law.

(c) The parties are directed to maintain *status-quo* of physical features of subject plot for a period of twelve (12) weeks from today.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.


S. V. BHATT, J

Dt: 25-11-2016
Prv

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25-11-2016

Prv