

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.18165 of 2013

ORDER:

The complaint in the present writ petition is the alleged action of the Respondents in laying road in the property of the petitioner without recourse to law.

2. According to the petitioner, he purchased the land admeasuring 1000 sq.yards in Sy.No.1071 adjacent to Hyderabad-Hanamkonda Road situated opposite to Cooperative Central Bank, Bhongir from one Mohd. Younus Mohiuddin Siddique. It is further stated that opposite to the said property, the Cooperative Central Bank is located. It is further alleged that the respondent authorities made markings inside the compound wall of the petitioner and trying to demolish the structures without following due process of law. It is also clear from the information available on record that the Sub-Collector/Special Officer, Bhongir Municipality, Bhongir-1st respondent herein vide Notice bearing No.G1/1044/2013 dated 29.4.2013, asked the petitioner to submit the documents namely title deeds, municipal permission and any other relevant documents pertaining to the building bearing H.No.3-1-13/9 and in response to the same, on 3.6.2013 the petitioner herein submitted necessary information to the 1st respondent. In the above background, the grievance of the petitioner obviously is without considering the said reply, the respondents are contemplating to proceed with the process of demolition for the purpose of road widening.

3. Right to property is a constitutional right as enshrined under Article 300-A of the Constitution of India, which in clear and unequivocal terms, mandates that no citizen of this country shall be deprived of his or her property except in accordance with the procedure established by law.

4. It is also required to be noted that in response to the notice dated 29.4.2013, the petitioner herein already submitted necessary information as sought by the 1st respondent and the issue is pending with the 1st respondent herein. Therefore, this Court deems it appropriate to dispose of the writ petition by directing the 1st respondent herein to consider the said representation dated 3.6.2013 before proceeding further in the matter.

5. For the aforesaid reasons, the writ petition is disposed of, directing the 1st respondent herein to consider the representation dated 3.6.2013 submitted by the petitioner herein and the documents enclosed in response to the notice dated 29.4.2013 and take appropriate action in accordance with law. Pending such consideration, the interim stay granted by this Court on 25.6.2013 in W.P.M.P.No.22155 of 2013 shall remain operative. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 11.11.2016
DA

A.V.SESHA SAI, J



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