

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 36824 OF 2016

ORDER:

Heard Smt. Sesharajyam, learned senior counsel for the petitioner; learned Government Pleader for Municipal Administration (Telangana); and Sri N.Ashok Kumar, learned Standing Counsel for GHMC.

2. Questioning the notice dated 14.10.2016 issued by the fourth respondent directing to demolish petitioner's compound wall in premises bearing No.2-5-36/3/2 with Assessment No.1060238385 situated in Upperpally Village, Rajendra Nagar Mandal, Ranga Reddy District, petitioner has approached this court by this writ petition.

3. Smt.Sesharajyam, learned senior counsel for the petitioner, submits that the impugned notice itself is a *mala fide* as is evident from the fact that on 13.10.2016 itself the respondent authorities had lodged a police complaint and sought police aid intimating that demolition work would be taken up on 14.10.2016 and it is only thereafter notice dated 14.10.2016 is issued calling for explanation to submit within seven days. Immediately thereafter petitioner on 25.10.2016 submitted a detailed explanation enclosing the sale deed through which the said property has been acquired by the petitioner. Learned senior counsel further submits that there is every possibility of the respondent authorities demolishing the petitioner's compound wall without even site inspection. Learned counsel also refutes the allegation that there was any encroachment of the municipal land and as a matter of fact if a

site inspection is made, respondents find no encroachment on the NALA as the same is about 30 feet away from the construction made by the petitioner.

4. On the other hand, Sri N.Ashok Kumar, learned Standing Counsel appearing for the respondent-Corporation, submits that the petitioner had come out with fake documents and a bare perusal of the sale deed, which the petitioner purports to produce, discloses that there are no acquired the method and manner in which the executants therein acquired the property. At any rate, learned counsel submits that inasmuch as explanation has been submitted by the petitioner, respondent authorities would take action only after due consideration of the objections raised by the petitioner.

Having considered the respective submissions and considering the stand of the respondent Corporation, the Writ Petition is being disposed of at the admission stage. In the facts and circumstances of the present case, the respondent authorities shall consider the explanation submitted by the petitioner; conduct physical inspection of the site by issuing notice to the petitioner; and pass appropriate orders within a period of two weeks from the date of receipt of a copy of the order. Till completion of entire exercise as aforesaid, there shall not any demolition of the petitioner's property. It is also made clear that the petitioner also shall not make any further constructions.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE CHALLA KODANDA RAM

October 28, 2016
LMV

