

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 4823, 4830 and 4833 of 2016

DATED 16TH FEBRUARY, 2016

BETWEEN

K.Venkata Ramesh

....Petitioner in WP.No.4823 of
2016

M/s.Shama Steel Traders,
Rep. by its Prop. Md.Naseeruddin

....Petitioner in WP.No.4830 of
2015

Smt. NoorJahan Begum

...Petitioner in WP.No.4833 of 2016

And

The State of Telangana,
Rep. by its Principal Secretary,
Industries Department, Secretariat,
Hyderabad and ors.

...Respondents in all WPs.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos. 4823, 4830 and 4833 of 2016.

COMMON ORDER:

-

These three Writ Petitions can be disposed of by this
common order.

In these Writ Petitions, the petitioners challenge the

action of the respondents in demolishing part of their properties.

The petitioner in Writ Petition No.4823 of 2016 claims to be the purchaser of open plots bearing No. 90,100 and 101, totally admeasuring 227.3 square yards situated in Lakshminarayana nagar Colony, Uppal, Ranga Reddy District and carrying on manufacturing activities by erecting an industrial shed therein.

The petitioner in Writ petition No.4830 of 2016 claims to be the purchaser of open plot bearing No. 81 admeasuring 235 square yards in Sy.No.553 of Lakshminarayana Nagar, Colony, Uppal, Ranga Reddy District and carrying on manufacturing activities in engineering equipments by erecting an industrial shed therein.

The petitioner in Writ Petition No.4833 of 2016 claims to be the purchaser of open Plot No.80 admeasuring 103.5 square yards in Sy.No.553 of Lakshminarayana Nagar colony, Uppal, Ranga Reddy District and carrying on industrial manufacturing activities by erecting a shed therein.

It is the grievance of the petitioners that without issuing prior notice and without conducting any enquiry, the third respondent is interfering with the possession and enjoyment of their respective properties.

On the other hand, the learned Standing Counsel for the second and third respondents submits that notices have been issued.

Heard Sri V.Venkateswarlu, learned Counsel appearing for the petitioners, learned Government Pleader for Industries and Commerce appearing for the first respondent, Sri L.Prabhakar Reddy, learned Standing Counsel appearing for Respondents 2 and 3 and Sri Pasam Krishna Reddy, learned Standing Counsel appearing for the fourth respondent.

A perusal of the notices dated 21.12.2015 reveal that the said notices have been addressed saying 'to All the Shed Owners/Encroachers of land adjacent to drain at Sri Krishna Pharma, Industrial Park, Uppal, Hyderabad-39'. A perusal of the same would leave no manner of doubt that the same does not satisfy serving of notice on the petitioners under the eye of law. Further, the impugned notice is in a general format. However, considering the nature of allegations made by the third respondent, it is just and necessary that the petitioners be issued with fresh notices setting out in detail the nature of rights held by the third respondent in the subject lands and nature of encroachments under which the third respondent seeks to exercise power to evict the petitioners from the lands in question. As and when such notices are issued by the third respondent giving sufficient time, the petitioners are at liberty to submit their respective detailed explanations. The explanations that may be submitted by the petitioners shall be considered and appropriate orders are passed by the third respondent as is enjoyed by him under the statute.

Subject to the above, the Writ Petitions are disposed of. However, it is needless to mention that till appropriate orders are passed by the third respondent, the possession and

enjoyment of the petitioners shall not be interfered with.

Miscellaneous petitions pending consideration if any in the Writ Petitions shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 16TH February, 2016.

Msnr_x