

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P.NAVEEN RAO

PUBLIC INTEREST LITIGATION No.310 OF 2015

DATED: 14.03.2016

Between:

Gaddam Krishna Reddy

... Petitioner

and

The State of Telangana and others

... Respondents

**THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

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PUBLIC INTEREST LITIGATION No.310 of 2015

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PC: (per the Hon'ble The Acting Chief Justice Dilip B. Bhosale)

The petitioner in the instant petition seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is, therefore prayed that this Honourable Court may be pleased to issue any Writ or direction, one more particularly one in the nature of Writ of “Mandamus” declaring the action of the respondents 1 to 11 in not taking steps against the illegal construction of the godowns over an extent of Ac.24.09 guntas of agriculture land in Survey Nos.48, 49, 50, 65, 66, 68 and 69 situated at Puddur Village, Gadvel Mandal, Mahabubnagar District and the illegal encroachment of a cart track in Survey Nos.48, 49 and 50 of Puddur Village, Gadwal Mandal, Mahabubnagar District, by the respondent Nos.12 to 17, as illegal, arbitrary, unjust and unconstitutional besides being violative of Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondents 1 to 11 to take steps against the respondents 12 to 17 in accordance with law, and pass such other order or orders as this Honourable Court may deems fit and proper in the facts and circumstances of the case.”

This Court on 23.11.2015 granted ad interim relief in terms of the prayer made in PIL.MP.No.486 of 2015. The prayer reads thus:

“This Hon'ble Court may be pleased to direct

respondents 1 to 9 to forthwith take steps for suspending all business operations, including the operation of godowns, over the land admeasuring Ac.24.09 guntas in Survey Nos.48, 49, 50, 65, 66, 68 and 69 situated at Puddur Village, Gadwal Mandal, Mahabubnagar District, pending disposal of the above writ petition and pass such other order or orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."

According to learned Government Pleader for Revenue, construction of godowns is illegal and they have already attached/seized all the godowns and are not allowing unofficial respondents to operate therefrom. He submits that they will take further action, including demolition of the godowns in accordance with law within a period of eight weeks from today.

Learned counsel for unofficial respondents submits that unofficial respondents may be given an opportunity to produce all the documents before the concerned authority to prove that construction of godowns is authorized and they are the owners of the same.

In view of the submissions made by learned counsel for the parties, we are satisfied that the following order shall meet the ends of justice.

"It is open to the unofficial respondents to produce before respondent No.4-Tahsildar, Gadwal Mandal, Mahabubnagar District, the documents to show their right, title and interest in the property, and whether they have constructed the godowns after seeking permission from the concerned authority, within a period of four weeks from

today. If the unofficial respondents with their reply/applications produce materials as afore-mentioned, respondent No.4 shall consider the same and pass a speaking order within a period of four weeks therefrom. If the godowns are found to be unauthorized or if it is found that they were constructed by encroaching on the cart track, respondent No.4 shall take action in accordance with law, including demolition of the godowns within eight weeks from today. It is needless to mention that if it is found that the godowns are constructed unauthorizedly, the concerned authority shall take action against the godowns as afore-mentioned. The action of sealing/attaching of the godowns shall remain operative till appropriate orders are passed by the concerned authority on the applications that will be filed by unofficial respondents.”

With these observations, PIL is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

14th MARCH, 2016.

P. NAVEEN RAO, J

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