

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 35734 OF 2016

ORDER:

This writ petition is filed seeking to declare the action of the respondents in interfering with the possession and enjoyment of the petitioners in respect of the land admeasuring 914 square yards annexed to premises No.5-10-85 and 5-10-86 (Old), in corresponding new numbers 5-10-161 and 5-10-161/1, situated at Kishnapuram, Hanamkonda, Warangal District as illegal and arbitrary.

2. It is the case of the petitioners that they are the owners of the land to an extent of 914 square yards and in terms of G.O.Ms.No.660 dated 03.09.1987 petitioners' land with the boundaries was exempted from the road portion which was originally proposed. Thereafter petitioners were also given permission to construct a compound wall by the Corporation by proceedings dated 14.11.2007 and petitioners, as a matter of fact, constructed a compound wall. Now all of a sudden respondents have demolished portion of the compound wall without issuing any notice and without calling for explanation. Hence, the present writ petition.

3. Learned Standing Counsel appearing for the respondent-Corporation, on oral instructions, submits that it is not correct to say that the respondents are trying to interfere with the land of the petitioners and what all has been done is clearing of the NALA portion

at any rate. Learned counsel submits that as long as the construction made by the petitioners is within the boundaries as per the appendix of GO.Ms.No.660 dated 03.09.2007, the respondent Corporation were not interfere with the petitioners' property.

4. In the light of the categorical statement on behalf of the respondent Corporation, the Writ Petition is disposed of making it clear that if the property of the petitioners is required for any public purpose, it shall be open for the Corporation to acquire the same by following due process of law as mandated under the Statute. However, this order shall not preclude the Corporation in taking action if there are any violations by giving notice, calling for explanation, and thereafter passing appropriate orders in accordance with law.

The Writ petition is accordingly disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

October 24, 2016
LMV

JUSTICE CHALLA KODANDA RAM