

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.1759 of 2016

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Date: 22.01.2016

Between:

Mantghena Lingaiah

.. Petitioner

and

The State of Telangana
rep. by its Principal Secretary
Municipal Administration Dept.,
Hyderabad and 2 others

.. Respondents

Counsel for the petitioner : Mr.Parsa Ananth Nageswar Rao

**Counsel for respondent No.1: GP for Municipal
Administration (TS)**

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent Nos.2 and 3, in interfering with the petitioner's business and demolishing his shed located in 60 square yards in Survey No.170 situated at Market Area, Ward No.5, Bellampally Municipality, Adilabad District, in pursuance of Notice No.G1/6639/2015, dated 31-12-2015, of respondent No.3, as illegal and arbitrary. The petitioner sought for a consequential direction to respondent Nos.2 and 3 not to interfere with his business in the said shed.

The petitioner averred that he has been in occupation of the aforesaid shed by carrying on business in sale of chicken. When respondent Nos.2 and 3 sought to evict him, he has filed WP.No.29224 of 2015 and this Court by Order, dated 09-09-2015, disposed of the said Writ Petition by placing on record the representation of the Standing Counsel for respondent Nos.2 and 3 that they would follow due process of law before effecting demolition of the property in occupation of the petitioner.

As undertaken before this Court, respondent No.3 has issued notice, dated 07-11-2015, to the

petitioner to produce the relevant documents showing his right and lawful possession over the subject property. On 10-11-2015, the petitioner has submitted a representation wherein he has stated that he is enclosing one receipt evidencing payment of encroachment fees and the license receipt, dated 31-03-2000. He has informed respondent No.3 that the remaining documents are in the custody of his Advocate of High Court and as he is expecting to receive these documents by 20th of November, 2015, he may be granted sufficient time for producing them. Having waited for more than 1½ months thereafter, respondent No.2 has issued a final notice on 31-12-2015 calling upon the petitioner to submit valid documents within 24 hours, failing which, the encroachment will be removed departmentally and charges will be collected from him. As the petitioner failed to submit the original documents as required under the said final notice, respondent No.3 has got the shed of the petitioner demolished.

From the facts narrated above, it is clear that more than reasonable opportunity was given by respondent No.3 to the petitioner to prove his lawful

possession of the shed in which he has been carrying on business. As the petitioner failed to avail these opportunities and prove his lawful possession, respondent No.2 was left with no option other than directing demolition of the shed.

In the above facts and circumstances of the case, I do not find any illegality in the action of respondent Nos.2 and 3.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.2227 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 22nd January, 2016
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