

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

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT APPEAL No. 49 OF 2016

Date: 27.01.2016

Between:

M/s. Raghava (R) Picture Palace,
Miryalguda, Nalgonda District.

... Appellant

And

State of Telangana, rep., by its Secretary,
(Home-Cinemas) (General-A) Department,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 49 OF 2016

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

This appeal is directed against the order, dated 30.12.2015, passed in W.P.No.42529 of 2015, whereby the said writ petition, filed by the appellant, has been disposed of. In the writ petition, the appellant sought mandamus declaring the action of the 2nd respondent in issuing notice, dated 29.10.2015, calling upon him to submit the documents relating to ownership and permission of the theatre building in dispute as illegal, null and void.

From perusal of the above notice, it appears, the 2nd respondent issued the notice to the appellant in order to ascertain whether he has encroached/occupied any part of public road. It is always open to the appellant to submit reply to the show cause notice and place all supporting documents along with the reply to prove his ownership and all permissions for construction of either theatre building or the compound wall. Learned Single Judge has taken the very same view and disposed of the writ petition with the following observations.

“Since by the impugned notice, the petitioner was given an opportunity to place the documents to prove that it has not encroached public road, no prejudice is caused to its interests. Therefore, I do not find any reason to interfere with the same. As the petitioner has not produced the copies of the documents so far, it is given four weeks' time for such production. On examining the same, if respondent Nos.2 and 3 are, prima facie,

satisfied that the petitioner has encroached public road, they shall hold a detailed enquiry, wherein they shall give an opportunity of personal hearing to the representative of the petitioner, take a decision and communicate the same to it.

Sri K. Durga Prasad, learned counsel for the appellant, apprehends that if the appellant places his explanation on record along with copies of the documents pertaining to his ownership, as reflected in notice, dated 29.10.2015, those documents are likely to be misused by the complainant on whose complaint the said notice was issued. He, therefore, seeks direction not to furnish documents to the complainant.

In view thereof, we direct the 2nd respondent not to part with any documents placed on record by the appellant along with his explanation to any person without his consent.

With these observations, writ appeal is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 27.01.2016

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