

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22697 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the action of the respondents in attempting to demolish the boundary wall of the petitioner, which was constructed along with the apartments in the township as a part of separate project, as illegal, arbitrary and unconstitutional being violative of Articles 14, 21 & 300-A of the Constitution of India and also violative of Principles of natural justice and consequently direct the respondents herein not to demolish the existing boundary wall of Rain Tree Park Township, constructed by the joint venture development company for the safety and security of the members of the petitioner Association, without following the due process of law.

2. Heard learned counsel for both sides and perused the material available on record. With the consent of learned counsel for both sides, the writ petition is taken up for disposal at the stage of admission.

3. It is the case of the petitioner that the petitioner is a Welfare Association of Rain Tree Park (Malaysian Township) and the petitioner has constructed residential units in the land allotted by M/s. A.P. Housing Board. On 03.07.2017, the respondents, at the instance of LIG block flat owners, came to the petitioner's township on 03.07.2017 along with men and material and partially demolished the boundary wall existing on the north-west corner of its township, without even giving valid

notice to the petitioner as contemplated under Sections 452, 461 and 636 of the Hyderabad Municipal Corporation Act, 1955. It is further case of the petitioner that the petitioner association has filed W.P.No.13772 of 2017 before this Court, wherein this Court has granted interim suspension of the notice issued by the 2nd respondent herein in Letter No. R/894/TPS/HO/GHMC/2016/17, dated 11/12.04.2017, issued by the 2nd respondent, by order, dated 18.04.2017, in W.P.M.P.No.17087 of 2017.

4. Learned counsel for the petitioner submits that the petitioner association is apprehending that the respondent authorities would come again and demolish the boundary wall.

5. Learned Standing Counsel for respondents 2 & 3 submitted that if the respondent authorities intend to demolish the boundary wall of the petitioner's township or if it is violative of the permissions granted or if it is without the permission obtained from the respondent authorities, the respondent authorities will follow the due process of law by issuing notice to the petitioner.

6. Recording the said submission of the learned Standing Counsel for respondents 2 & 3, this Court intends to dispose of the writ petition with the following direction:

The respondent authorities are directed not to demolish the boundary wall constructed by the petitioner association, without following due process of law.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall also stand closed.

RAJA ELANGO, J

Date: 11th July, 2017

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249**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.22697 of 2017**Date: 11th July, 2017

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