

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION Nos.23006, 23019, 23034, 23058 AND
23059 OF 2017

COMMON ORDER:

Since the issue in all these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

2. The common grievance of the petitioners in all these writ petitions is that the impugned notice dated 21.04.2017, issued by the 5th respondent – Panchayat, in proposing to demolish the petitioners houses situated in Survey Nos.685/1 and 4, in Nandipet Village and Mandal, Nizamabad District, is illegal, arbitrary, null and void and violation of Articles 14, 21 and 300-A of the Constitution of India.

3. Heard the learned counsel for the petitioners and also the learned Government Pleaders for Panchayat Raj, Home and Revenue, representing the respondents and perused the prayers in all the writ petitions with supporting affidavits and other material on record, including the impugned show-cause notice dated 21.04.2017 issued by the 5th respondent - Panchayat to all the petitioners to demolish the houses of the petitioners situated in Survey Nos.685/1 & 4, in Nandipet Village and Mandal, Nizamabad District, by showing there is a civil dispute pending in O.S.No.25/01 with status quo order in I.A.No.1176 of 2003 from the complaint received by the plaintiff of that suit.

4. It is the contention of the petitioners that the houses are constructed in the year 2006 and all through for the past 11 years there is no dispute raised by the Panchayat, much less, interfered with the construction but all of a sudden at the instance of the plaintiff by name Ravella Jhansi Laxmi Bai in O.S.No.25 of 2001, the impugned notice was issued. In fact, a perusal of the claim of the petitioners shows that they purchased from the 3rd defendant of the said suit and the suit filed was for specific performance of the contract for sale and there was an interim application for injunction where an order of status quo for the schedule properties which is part of the properties covered by the sale deed in favour of the petitioners was passed.

5. Having regard to the above, while disposing of the Writ Petitions, restraining the respondents from demolition of the existing houses of the petitioners for a period of six weeks from the date of receipt of a copy of this order and the petitioners are given liberty to file implead petition to come on record as co-defendants to the suit O.S.No.25 of 2001 to contest case claiming their right through defendants of the suit therein.

6. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

27.07.2017

*Note: issue C.C. by tomorrow.
B/o.SS*