

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22749 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 2nd respondent in not considering the petitioner's representation, dated 22.06.2017, and sending officials of the 2nd respondent to the house of petitioner and objecting the construction of wall and erection of gate in front of his house bearing H.No.1-10-28/242/1A, Plot No.1A, Nagarjuna Nagar Colony, Kushaiguda, Ranga Reddy District, as illegal and arbitrary and violative of Articles 14 & 15 of the Constitution of India and consequently direct the 2nd respondent not to interfere into the construction work, without following 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 doing Purohityam by profession and he is the absolute owner and possessor of house bearing H.No.1-10-28/242/1A, Plot No.1A, Nagarjuna Nagar Colony, Kushaiguda, Ranga Reddy District, and that the petitioner is paying property tax to the subject house regularly every year. It is further case of the petitioner that the petitioner made a representation to the 2nd respondent on 22.06.2017 requesting to permit him to construct a gate along with pit wall in front of the petitioner's house, but so

far the respondents have not responded to the petitioner's representation, but the officials of the 2nd respondent, with an instigation of a local leader, are visiting the house of the petitioner and interfering with the construction activities of the petitioner and not allowing the petitioner to construct wall and erect gate in front of his house.

4. Learned counsel for the petitioner submits that the officials of the 2nd respondent are interfering with the construction activity of the petitioner in the subject house, without following the due procedure of law.

5. Learned Standing Counsel for the 2nd respondent submitted that if any construction i.e., construction of a compound wall and erection of a gate in front of his house, is made by the petitioner within his territory, then the 2nd respondent will not interfere with the same. If the petitioner intends to construct or venture to construct a compound wall and erect a gate by encroaching the road, then the 2nd respondent will take action, in accordance with law, by following the due process of law.

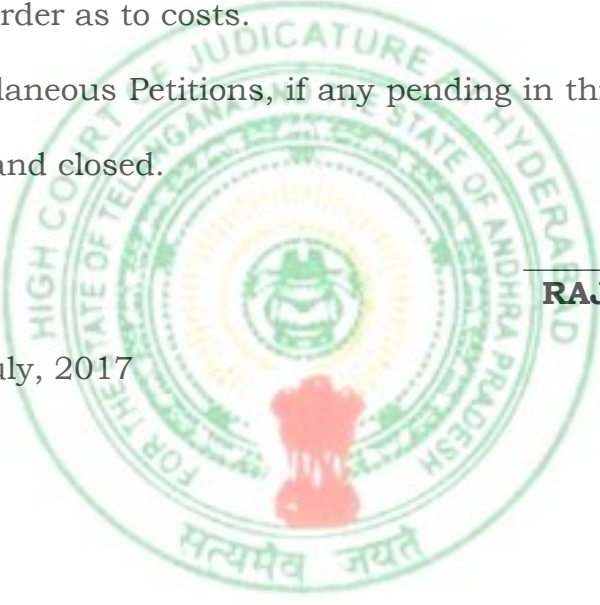
6. Recording the said submission of the learned Standing Counsel for the 2nd respondent, this Court intends to dispose of the writ petition with the following direction:

The 2nd respondent is directed to consider the representation, dated 22.06.2017, submitted by the petitioner and pass appropriate orders, as expeditiously as possible, in accordance with law, and communicate the decision to the

petitioner. The 2nd respondent is also directed not to interfere with the construction activities of the petitioner i.e., construction of a compound wall and erection of a gate in front of the subject house, without following due process of law. If the petitioner constructs or ventures to construct a compound wall and erect a gate by encroaching the road, then the 2nd respondent is at liberty to take appropriate action, in accordance with law, by following the 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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243**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.22749 of 2017**Date: 11th July, 2017

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