

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.17097 of 2017

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the inaction of the respondents for interfering and trying to demolish property bearing No.13-6-830, situated at Ramsinghpura, Towli Masjid, Ring Road, Hyderabad, without following due process of law in spite of making a representation on 09.05.2017, and declare the action of respondents as totally illegal, arbitrary and against the principle of natural justice.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the petitioner's father was allotted a piece of land to an extent of 275 square yards by the Endowments Department through Annapurna Devalayam on 30.07.1977 and the same was allotted by the Inspector of Endowments Department on 5-1-1978 *vide* Certificate No.99, issued by the Endowments Department, Hyderabad, and permission was obtained by the petitioner's father for running a business white line batti (small scale industry) furnace in the year 1980 and premises number was allotted as 13-6-830. It is further case of the petitioner that the petitioner's father died on 10.10.2003 and after the death of the petitioner's father, the petitioner and his family members have been in possession of the said land. While so, on 09.05.2017, the staff of the respondent authorities came to the subject property of the petitioner and tried

to demolish the compound wall and gate without following the due process of law and the official respondents threatened the petitioner that they will dispossess the petitioner from the subject property. The petitioner also submitted a representation on 09.05.2017 to the respondent authorities not to interfere and demolish the subject property of the petitioner bearing No.13-6-830, situated at Ramsinghpura, Towli Masjid, Hyderabad, without following the due process of law. The main grievance of the petitioner is that in spite of submitting a representation to the respondent authorities on 09.05.2017, again on 10.05.2017, the respondent authorities came along with their staff and threatened to demolish the subject property of the petitioner.

4. Learned counsel for the petitioner submits that the respondent authorities are making hectic efforts to dispossess the petitioner from the land in question even without following the due procedure of law.

5. Learned Government Pleaders for respondent authorities submit that the allegations made by the petitioner are false. If really the petitioner is to be evicted, the respondent authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

6. In the light of the submissions made by the respective counsel and in view of the admitted facts of the case that the petitioner is in possession and enjoyment of the subject property, his possession shall not be interfered with by the respondent authorities without following due process of law.

7. Considering the facts and circumstances of the case and the submissions of both the learned counsel, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of directing the respondent authorities to consider the representation of the petitioner, dated 09.05.2017, pass appropriate orders, as warranted by law, as expeditiously as possible and communicate the decision to the petitioner. Till then, the respondent authorities are directed not to interfere with the possession and enjoyment of the petitioner, except following due process of law. 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: 20th June, 2017

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