

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.10881 of 2009

ORDER:

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the resolution passed by the 1st respondent, dated 26.05.2009, seeking to take possession of the land admeasuring 55 yards covered by premises bearing No.1-97/2 (Old), 2-13 (New), situated in front of the petitioner's house at Ramsanipalli Village, Andol Mandal, Medak District, as illegal and arbitrary and consequently direct the respondents not to interfere with the possession of the petitioner over the aforesaid land.

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

3. The case of the petitioner is that earlier the petitioner's father was the owner and in possession of the land admeasuring 55 square yards, situated at Ramsanipalli Village, Andol Mandal, Medak District, and he constructed a tiled house in the said site and set up a floor mill therein and he is running the same and he also obtained the electricity connection. It is further submitted that the said land along with house fell to the share of the petitioner in the family partition. The petitioner removed the machinery of the floor mill from the tiled house, as it was running in losses and he got the electricity connection of the floor mill disconnected and got shifted the same to another house, situated at Baswapur Village of Pulkal Mandal, Medak District. While so, the 1st respondent passed a resolution on 26.05.2009 to vacate the subject land, which belongs to the petitioner and that on the intervening

night of 26/27.05.2009, the 1st respondent, in association with some unsocial elements, highhandedly demolished the tiled house.

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. When the matter is taken up for hearing, it is informed by the learned Standing Counsel for the 1st respondent informed that if really the petitioner is to be evicted from the subject land, the respondent authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

6. Having regard to the same, the Writ Petition is disposed of directing the respondent authorities not to take any coercive steps against the petitioner, except following due process of law. If the respondent authorities intend to take possession of the subject land, the respondent authorities are directed to follow due process of law and are directed to take appropriate steps in accordance with 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: 5th September, 2017

KL

157

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