

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29569 of 2012

ORDER:

1) Heard learned counsel for the petitioner and Sri P.Kesava Rao, learned Standing Counsel for G.H.M.C. In spite of service of notice, there is no representation on behalf of respondent No.3, who was impleaded by an order dated 28.02.2017 passed in W.P.M.P.No.39541 of 2012.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in resorting and directing to remove the barbed wire fence erected within the site of Chakkilam Ayesha Mansion situated at the premises bearing No.1-4-881 Part, New Bakaram, Gandhinagar, Hyderabad, as illegal, arbitrary and unjust; and consequently to direct the respondents not to interfere or remove the said barbed wire fence.

3) The averments in the affidavit filed in support of the writ petition would show that the Flat Owners of the Chakkilam Ayesha Mansion claim to be in possession of the property admeasuring 900 square yards situated at Municipal Door No.1-4-881 Part, Bakaram, Gandhinagar. After obtaining permission from the authorities concerned, a residential complex was constructed in the said property. The claim of the petitioner is that they have also constructed a compound wall around the said site. In view of the

disputes between the petitioner and their neighbours, the compound wall was said to have been demolished. Later, the petitioner is alleged to have erected a barbed wire fence around the property. When respondent No.2 tried to remove the said barbed wire fence, the present writ petition came to be filed.

4) By an order dated 20.09.2012, this Court ordered *status quo* in respect of the said barbed wire fencing.

5) Learned counsel for the petitioner submits that till date the barbed wire fence is in existence and if the respondent authorities intend to remove the same, it may be done by following due process of law.

6) Learned Standing Counsel for G.H.M.C. submits that if any action is to be taken by the authorities the same shall be in accordance with law.

7) Recording the said submissions, the writ petition is disposed of, directing the respondent authorities to follow due process of law, in case they intend to remove the barbed wire fence erected around the property which is subject matter of dispute in this writ petition.

8) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

13.03.2017
gkv

