

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.34628 OF 2016

ORDER:

This writ petition is filed challenging the action of the respondents in trying to demolish the petitioner's building bearing No.B-46, Plot No.B-46, admeasuring 126 square yards situated at Deepthisri Colony, Madeenaguda, Kukatpally, Hyderabad without issuing any notice as illegal and arbitrary and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act and the Rules made thereunder.

The case of the petitioner is that he is the absolute owner and possessor of the above said property, which is his ancestral property, and is in possession and enjoyment of the same. While things stood thus, on 07.10.2016 the officials of the 3rd respondent visited his house and made markings for demolition without issuing any notice and without following due process of law.

Learned counsel for the petitioner submits that the respondent-authorities are making hectic efforts to lay the road in the property of the petitioner even without following the due process of law.

Learned Government Pleader for Road and Buildings submits that the allegations made by the petitioner are false. If really the land of the petitioner is required, the respondent-authorities would follow the due process of law and appropriate steps would be taken in accordance with law.

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 his property, his possession shall not be interfered with by the respondents-authorities without following the due process of law as enjoined whether under the Land Acquisition, Rehabilitation and Resettlement Act, 2013 or in any other law.

Accordingly, the writ petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner except following the due process of law. However, liberty is given to the respondent-authorities to take action in accordance with law, if the construction is in violation of the sanctioned plan.

Miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dated: 01.03.2017
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