

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23814 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 respondents in seeking to evict and demolish the petitioner's hotel "Madina Biryani point" premises at Jagtial Town as illegal, arbitrary and against principles of natural justice and consequently direct the respondents to permit the petitioner herein to carry on the business by granting permanent allotment of land.

2. Heard learned counsel for both the parties and perused the material available on record. With the consent of the learned counsel for both the parties, the writ petition is taken up for disposal at the stage of admission.

3. The case of the petitioner is that the petitioner is running a small hotel by name "Madina Biryani point" at Jagtial Town since 28 years on the permission granted by the 2nd respondent. On 10.07.2017, respondents 3 & 4 visited the said premises and tried to demolish the temporary shed and that without serving a prior notice for eviction, the officials of respondents 3 & 4 are visiting the hotel of the petitioner and demanding for eviction.

4. Learned counsel for the petitioner submits that the officials of respondents 3 & 4 are making hectic efforts to dispossess the petitioner from the hotel without following the due procedure of law.

5. Learned Standing Counsel for the 2nd respondent submits that the allegations made by the petitioner are false. If really the petitioner is to be evicted, then 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 hotel "Madina Biryani point" at Jagtial Town, his possession shall not be interfered with by the respondent authorities without following due process of law.

7. Accordingly, the Writ Petition is disposed of directing respondent authorities 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: 19th July, 2017

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