

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.22802 of 2017

ORDER:

This writ petition is filed by the petitioners, under Article 226 of the Constitution of India, seeking to declare the action of respondents 2 & 4 in interfering with the construction activities of the petitioners at Plots bearing Nos.49, 88, 51, 81 & 80, admeasuring 162, 153, 162, 183 & 165 square yards respectively in Survey Nos.112, situated at Sai Durga Nagar, Chengi Cherla Village, Medipally Mandal, Medchal-Malkajgiri District, without following the due process of law, as being illegal and arbitrary and in violation of Article 300-A of the Constitution of India and consequently to direct respondents 2 & 4 not to interfere with the petitioners' private properties without following the due process of law.

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

3. It is the case of the petitioners that the petitioners are the absolute owners and possessors of the Plots bearing Nos.49, 88, 51, 81 & 80, admeasuring 162, 153, 162, 183 & 165 square yards respectively in Survey Nos.112, situated at Sai Durga Nagar, Chengi Cherla Village, Medipally Mandal, Medchal-Malkajgiri District, having purchased the same through registered Sale Deeds from its lawful owners and that after purchase of the above said plots, the petitioners started

construction of residential houses in the last week of May, 2017, as per the sanctioned plans obtained by their vendors from the Gram Panchayath and the petitioners got constructed ground floor by laying RCC slab and now internal walls are being constructed. On 30.05.2017, the staff of respondents 2 & 4 visited the plots of the petitioners and informed the petitioners orally not to proceed with the construction and if the petitioners continue making constructions, the same would be demolished within 48 hours as per the instructions of respondents 2 & 4.

4. The main grievance of the petitioners is that respondents 2 & 4 again sent their staff on 04.06.2017 and are interfering with the construction activity of the petitioners.

5. Learned counsel for the petitioners submits that the respondent authorities are interfering with the construction activity of the petitioners in the subject plots, without following the due procedure of law.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel for the petitioners and in view of the admitted facts of the case that the petitioners are in possession and enjoyment of their plots, their 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 the respondents not to interfere with the construction activities of the petitioners in the subject plots, without 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: 11th July, 2017

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