

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.16508 OF 2017

ORDER:

This writ petition is filed challenging the action of respondents 4 and 5 in dismantling the shops of the petitioners on 21.04.2017 without following due process of law.

The petitioners state that as respondents 4 and 5 tried to interfere with their possession on 18.03.2017, they filed O.S.No.158 of 2017 before the I Additional Junior Civil Judge at L.B. Nagar. But, they withdrew the said suit on 25.04.2017. Thereafter, they filed the present writ petition on 26.04.2017. By the time of filing the writ petition, the shops were already removed. The petitioners further state that they are in possession of the open space in between Flat Nos.A.25 and A.26 and C.5 and C.6 and that they are paying rents to the Flat Owners Association.

The open space of the developed layout would vest with the concerned local authority and it is open to the local authority to take necessary action to remove the encroachments. Since the encroachments were already removed by the date of filing of the writ petition, no relief can be granted to the petitioners. If the property of the petitioners is damaged and they are aggrieved by the same, it is open for them to recover damages in appropriate civil proceedings but not in the present writ petition.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

A.RAMALINGESWARA RAO, J

Date: 08.08.2017
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