

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20805 OF 2017

ORDER:

This writ petition is filed challenging the action of the respondents in trying to demolish the structures in the property of the petitioner i.e. Plot No.73 admeasuring 125 square yards situated in Sy.No.336, Allwyn Colony, Kukatpally village and Mandal, Medchal District, as illegal and arbitrary, and consequently, direct the respondents not to interfere with the peaceful physical possession of the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that he is the absolute owner and possessor of the Plot No.73 admeasuring 125 square yards situated in Sy.No.336, Allwyn Colony, Kukatpally village and Mandal, Medchal District, and the said plot was allotted to him by the Hyderabad Allwyn Employees Housing committee (Phase-II) Allwyn Colony through a registered sale deed vide document No.7673 of 2014. Since then, he is in peaceful possession and enjoyment of the same. While so, the authorities of respondents 2 and 3 are trying to interfere with the peaceful possession and enjoyment of the petitioner over the said property and trying to demolish the structures, basements etc., at the instance of the unofficial respondents, without issuing any notice as per the provisions under Right to Fair Compensation and Transparency in Land Acquisition, Resettlement and Rehabilitation Act 30 of 2013 (for short, "the Act").

Learned counsel for the petitioner submits that the subject land was allotted to the Hyderabad Allwyn Employees Housing Committee, by the Government and when the authorities of the respondents 2 and 3 are

trying to interfere with the possession of the members of the Association, who are allotted plots including the petitioner, the association approached the District Collector, Medchal, as well as the authorities concerned, but no action has been taken by them so far and that the official respondents are trying to interfere with the possession of the petitioner and trying to demolish the structures of the petitioner, without following due process of law.

Learned Government Pleader for Municipal Administration submits that the allegations made by the petitioner are false and if really the property of the petitioner is required, the respondent authorities would follow the due procedure 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 the property, his possession shall not be interfered with by the respondent 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 respondent Nos.2 and 3 to follow the due process of law by issuing a notice within a period of eight (8) weeks from the date of receipt of a copy of this order if they intend to dispossess the petitioner from the schedule premises. Till then, the petitioner is also directed not to make further construction. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 27, 2017
KTL