

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.32557 of 2013

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the petitioner's land to an extent of Ac. 0.28 guntas, situated in Survey No.740 of Kukatpally Village, Balanagar Mandal, Ranga Reddy District, on the pretext of diversion of Nala, without following due process of law as illegal and arbitrary and in violation of principles of natural justice and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the land to an extent of Ac. 0.28 guntas, situated in Survey No.740 of Kukatpally Village, Balanagar Mandal, Ranga Reddy District, without following the due process of law.

2. Heard both sides and perused the material available on record.

3. The grievance of the petitioner is that the respondents are interfering with the peaceful possession and enjoyment of the land to an extent of Ac. 0.28 guntas, situated in Survey No.740 of Zinkalwada of Kukatpally Village, Balanagar Mandal, Ranga Reddy District, belonging to the petitioner, on the pretext of diversion of nala without taking recourse of the procedure contemplated under law.

4. Learned counsel for the petitioner submits that the respondent authorities, without following the due process of law,

are intending to highhandedly take away the land of the petitioner and that even if a part of the land of the petitioner is converted into nala, the same will necessarily diminish the value of the same and the rest of the land will not be of any use to the petitioner.

5. Learned Standing Counsel for the respondent authorities submits that the allegations made by the petitioner are false. If really the land of the petitioner is to be acquired, 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 subject land, his possession shall not be interfered with by the respondent authorities without following due process of law as enjoined whether under the Hyderabad Municipal Corporation Act, 1955, or in any other law.

7. Accordingly, the Writ Petition is disposed of directing the respondent authorities not to interfere with the possession and enjoyment of the subject land 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: 13th June, 2017

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