

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15043 OF 2017

ORDER :

This writ petition is filed assailing the action of Respondents 2 and 3 in trying to dispossess the petitioners from their respective lands situated at Ursu Village, Warangal Urban District, without issuing notice and without conducting any enquiry.

The case of the petitioners is that the respondent authorities have been trying to dispossess them from the subject land, which is a private land, on the ground that the same falls under FTL area of Bhasdrakali Tank, but however, according to them, the said tank was protected by a pakka bund and their lands are located far away from the tank surrounded by permanent houses.

Learned counsel for the petitioners submits that in 2015 itself, the petitioner's neighbour, who was issued the notice by the Corporation, had approached this Court by way of Writ Petition No. 40881 of 2015, wherein a direction was issued to the respondents to pass a speaking order under the provisions of Sections 452(2) and 636 of the Hyderabad Municipal Corporation Act, 1955 and till the process is completed, no steps for removal of the compound wall should be initiated.

Learned Standing Counsel for Respondents 2 and 3 submit that the compound wall which was constructed by the petitioners has been removed.

As it is the allegation of the respondents that the subject land is in the Full Tank Level area of Bhadrakali Tank, the respondent authorities are at liberty to issue notices to the petitioners in terms of the provisions of the Act by providing opportunity to the petitioners to submit their explanations and after considering the explanations, the respondent authorities shall

pass appropriate orders, in accordance with law. Till such time the orders are passed, no coercive steps shall be taken against the petitioners. However, it is made clear that the petitioners shall not make any further constructions without obtaining permission as required under the HMC Act, 1955.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

25th April 2017

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CHALLA KODANDA RAM, J

