

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38169 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/ s:

'...to issue an Order, Direction or Writ more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents herein in demolishing house bearing Nos.5-10-144 & 143; 5-10-142 & 141; 5-10-140; 5-10-139; 5-10-130; 5-10-132; 5-10-131; 5-10-138; 5-10-132/ 3; 5-10-132/ 2; 5-10-133; 5-10-133/ 1; 5-10-134; & 5-10-134/ 1 located at Kishanpura, Hanamkonda, owned and possessed by all the petitioners herein respectively, in the process of widening of existing Nala, without adopting the due process of law as illegal, arbitrary, high handed, unjust, unreasonable, without any sanction of law and violative of principles of Natural Justice, Fair Play and Equity, besides, being infringement of Fundamental and Constitutional Rights guaranteed under Article 14, 19, 21 & 300-A of the Constitution of India and consequently direct the respondents to desist permanently from adopting any unlawful and illegal acts and pass such other order or orders..'

I have heard the submissions of the learned counsel for the petitioners and of the learned standing counsel representing the respondents 2 to 4. I have perused the material record.

Learned counsel for the petitioners would submit that the writ petitioners are having their subject properties since 30 to 40 years and that the respondents, without following the procedure established by law, are trying to demolish their properties stating that they are the encroachments over a Nala and that there is a proposal to widen and restore the Nala from the present 30' to the original existing 90'.

Learned standing counsel would submit that in May, 2017, notices were issued to all the concerned owners of properties, who have made encroachments over the Nala, and that the markings insofar as the 90' Nala were made by the revenue authorities and not by the staff and officials of the Municipal Corporation and that the concerned, including the petitioners herein, were asked to produce their documents for verification and that in that view of

the matter, the municipal Corporation would follow the procedure established by law in the matter.

Recording the afore-said submissions, the Writ Petition is disposed of directing the respondents not to interfere with, in any manner, or demolish the subject properties of the petitioners except by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. Seetharama Murthi, J

13.11.2017
Vjl

