

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.38290 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“..to issue any writ, order or direction more particularly one in the nature of writ mandamus declaring the action of the official respondents in issuing Notice vide Lr. No. TP/DEP/RW/C05/5499/2015/TPS dated 08-11-2017 (received on 09-11-2017) against the property bearing Mpl No. mulgies in H. No. 15-7-277/4/, 5, 6, 10, 11, 12 and 13 Muslim Jung Bridge, Begum Bazar, Hyderabad and further threatening to come for demolition without following due process of law is illegal, arbitrary, and contrary to law, also in violation of Articles 14, 21 and 300-A of the Constitution of India besides in violation of HMC Act and in violation of principles of natural justice and consequently be pleased to suspend the Notice TP/DEP/RW/C05/5499/2015/TPS dated 08-11-2017 (received on 09-11-2017) issued by the respondent No.4 against the petitioner in respect of the property bearing Mpl No. mulgies in H. No. 15-7-277/4/, 5, 6, 10, 11, 12 and 13 Muslim Jung Bridge, Begum Bazar, Hyderabad and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of learned counsel for the petitioner and Sri N. Ashok Kumar, learned Standing Counsel appearing for respondents 2 to 5. I have perused material record.

3. Learned counsel for the petitioner would submit that with the consent of the landlord, the property in the occupation of the petitioner-tenant is being sought to be demolished by the second respondent - Municipal Corporation without following the procedure established by law and by only giving a notice with three days time for removal of the structures for the purpose of road widening.

4. Sri N. Ashok Kumar, learned Standing Counsel, would submit that the subject property has already been demolished with the consent of the

landlord and that the debris has already been removed for the purpose of road widening.

5. In that view of the matter, this Court is of the considered view that the writ petition is not maintainable.

6. Recording the submissions, the writ petition is disposed of as not maintainable, however, reserving liberty to the petitioner to pursue the remedies against appropriate persons, if law permits.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date: 15.11.2017
va



M. SEETHARAMA MURTI, J