

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.39299 of 2017

ORDER:

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

“..to issue an more appropriate Writ or Order or direction, more particularly, one in the nature of Writ of a Mandamus declaring the action of respondents in threatening to demolish the property bearing No.1-55 in Sy.No.42, situated at Peerzadiguda Village under Preerzadiguda Municipality, Medipally, Medchal-Malkajgiri District, without following due process of law as illegal, unjust, unsustainable and violative of Article 300-A of Constitution of India, and consequently, direct the Respondents not to demolish property bearing No.1-55 in Sy.No.42, situated at Peerzadiguda Village, under Preerzadiguda Municipality, Medipally, Medchal-Malkajgiri District, except in accordance with law and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

2. Heard the submissions of *Sri Pottigari Sridhar Reddy*, learned counsel appearing for the petitioners; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; *Sri N.Praveen Kumar*, learned Standing Counsel appearing for the respondents 2 and 3; *Sri V.Narasimha Goud*, learned Standing Counsel appearing for the 4th respondent; and of the learned Government Pleader for Revenue, appearing for the 5th respondent. I have perused the material record.

3. The grievance of the writ petitioners is that they are the absolute owners and possessors of the subject house property, which was constructed after obtaining permission from the Gram Panchayat, vide building permit no.174, dated 11.09.1985, and that they are in possession and enjoyment of the subject property for several decades

and that without issuing any notice and following the procedure established by law, the respondents are trying to demolish the subject house property for the purpose of road widening.

4. Learned Standing Counsel appearing for the respondents 2 and 3 submits that the respondents would follow the procedure established by law, if any action is to be taken, in respect of the subject house property of the petitioners.

5. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the subject house property of the petitioners except by following the procedure established by law.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

21st November, 2017
RAR

M. SEETHARAMA MURTI, J

