

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.37586 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner claiming that respondent No.3 is trying to dispossess the petitioner from the occupation of the subject building without following the procedure established by law.

2. I have heard the submissions of the learned counsel for petitioner and the learned Standing Counsel appearing for respondent Nos.2 and 3. I have perused the material record.

3. From the submissions and the material on record, it is discernable that earlier, while taking decisions on various community properties, the Commissioner has exempted the subject building, as at that time an old age home is being run in the subject building. However, while granting such exemption, a right is preserved to reclaim the subject building as and when required.

4. Learned counsel for the petitioner would submit that if a direction is given to respondent No.2 to follow the procedure established by law, the grievance of the petitioner would be redressed.

5. However, the learned Standing Counsel appearing for respondent No.2 would submit that at the time of exemption, the subject building was being put to proper use, but now illegal activities are being undertaken in the subject building and

therefore, respondent No.2 has decided to reclaim the subject building.

6. Recording the submissions, the Writ Petition is disposed of directing respondent No.2 not to interfere with the possession of the petitioner over the subject building, except in strict accordance with the procedure established by law.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

November 10, 2017
MD

M.SEETHARAMA MURTI, J

