

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.303 of 2018

ORDER:

This Writ Petition is filed seeking the following relief:

“... to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in interfering with the cleaning activity carried out by the petitioner herein thereby trying to dispossess him from his property Plot No.1/4, admeasuring 435 sq. yds or 363.66 sq. mts forming part of Sy.Nos.148 to 155 in MCK Block No.2, situated at Gopalnagar co-operative House Building Society Limited, Hydernagar Village, Kukatpally Mandal (previously Balangar Mandal) under GHMC, Kukatpally Circle, Medchal-Malkajgiri District formerly known as Ranga Reddy District without following the due process of law as arbitrary, unjust, highhandedness and consequently direct the Respondents not to interfere with the cleaning activity, carried out by the petitioner on his above mentioned property thereby not to dispossess him without following due process of law and pass such other and further order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case and in the interests of the justice.”

2. I have heard the submissions of *Sri K.S.Murthy*, learned counsel appearing for the petitioner, and of *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the respondents 2 and 3. I have perused the material record.

3. Learned counsel for the petitioner while bringing to the notice of this Court an interim order, dated 26.10.2017, passed by this Court in similar matters, *i.e.*, Writ Petition Nos.35927 and 44639 of 2017, made a request that the interim order

passed in the said Writ Petitions may be made the final order in this Writ Petition and the Writ Petition may be disposed of directing respondents 2 and 3-Municipal Corporation not to interfere with the possession of the petitioner over the subject property except by following the procedure established by law and the interests of the petitioner may be protected till the Municipal Corporation takes appropriate action in accordance with the procedure established by law.

4. I have perused the afore-said interim order of this Court in the above-stated Writ Petitions, which is placed on record.

5. Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 and 3 would submit that the subject property is a park area; that no permission to construct a compound wall or fencing may be granted to the petitioner; that he has been instructed to submit that the Corporation would follow the procedure established by law; and that till the Corporation takes an appropriate action in accordance with the procedure established by law, the petitioner may be directed to maintain absolute *status quo* without making any constructions in the subject property.

6. Recording the afore-stated submissions of the learned counsel, the Writ Petition is disposed of directing the respondents not to interfere with the possession of the petitioner over the subject property in any manner except by following the procedure established by law. Till the Corporation initiates appropriate action in accordance with the procedure established by law, the petitioner shall maintain absolute *status quo* without making any constructions whatsoever in the subject property. However, if the Municipal Corporation fails to initiate appropriate action in respect of the subject property in accordance with the procedure established by law within a reasonable time, the petitioner shall be at liberty to approach this Court for an appropriate relief.

Pending miscellaneous Petitions, if any, shall stand dismissed.

05th January 2018
RAR

M. SEETHARAMA MURTI, J