

WRIT PETITION No.1507 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“... to issue a Writ or Direction more in nature of Writ of Mandamus Declaring the action of the Respondents No.3 & 4 herein in interfering or demolishing the structure on premises bearing Municipal Nos.8-4-122/ 36/ 37, M.No.8-4-122/ 4/ A & B, and Plot No.4-B, 20-A & B, 21 Part and all situated at Ali Nagar, Bandlaguda Khalsa, Rajendranagar Mandal, R.R.District and the act of the Respondents No.3 & 4 in forcibly acquired and dug the Nala on Plot No.3 without any notice to the Respondent No.1, as illegal, arbitrary, unconstitutional and in gross violation of Article 14, 21-A & 300-A of Constitution of India and consequently direct the Respondents No.3 not to demolish or dispossess the Petitioner No.1 from the premises bearing M.No.8-4-122/ 36/ 37 and Plot No.4-B, 20-A & B, 21 Part and the Petitioner No.2 from the premises bearing M.No.8-4-122/ 4/ A & B, and pass such other order or orders....”

2. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration appearing for respondent No.1 and Sri N.Ashok Kumar, learned Standing Counsel, who offers to file vakalat for respondent Nos.2 to 4. Perused the prayer in the writ petition with supporting affidavit and also the order in the similar matter in W.P.No.33464 of 2017 dated 06.10.2017.

3. It is the claim of the petitioners that the respondents are trying to interfere with the private property of the petitioners under the guise of digging of nala in the municipal land.

4. Whereas, it is the submission of the learned Government Pleader and the learned Standing counsel that the nala proposed is already in existence including from the enclosures to the writ petition which is the map enclosed to the show cause notice already

issued and they are going to widen or reconstruction of the nala, which is in the municipal land.

5. Having regard to the above, there is nothing to keep the writ petition pending, but for, to say the respondents shall demarcate and proceed with. However, they shall not interfere with the private property if any of the petitioner except through due process of law.

6. With the above directions and observations, this Writ Petition is disposed of.

7. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 22.01.2018

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