

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION Nos.4754 and 5134 of 2018

COMMON ORDER:

These writ petitions are filed under Article 226 of the Constitution of India, seeking the following reliefs:

W.P.No.4754 of 2018:

“to issue an order or orders or direction more particularly one in the nature Writ of Mandamus declaring the action of the 2nd and 3rd respondents in making marks to the houses of the petitioner bearing No.24-18 and 24-19 at Malawada, Wanaparthi Town and District, for the purpose of demolition, though the said houses were constructed strictly in accordance with the municipal sanction approved plans and further though the petitioner have already submitted their title documents and construction permission to the respondents for the purpose of verification and further though the representation dated 15-05-2017 is pending as against the notice issued by the 2nd respondent in File No.G1/ 18/ 2017, dated 11-01-2017, as illegal, unlawful, contrary to law and consequently direct the respondents not to undertake any kind of demolition of the houses of the petitioner without following due process of law, and pass such other order orders...”

W.P.No.5134 of 2018:

“to issue an order or direction more particularly one in the nature Writ of Mandamus declaring the action of the 2nd and 3rd respondents in making marks to the houses of the petitioner bearing No.24-20 and 24-21 at Malawada, Wanaparthi Town and District, for the purpose of demolition, though the said houses were constructed strictly in accordance with the municipal sanction approved plans and further though the petitioner have already submitted their title documents and construction permission to the respondents for the purpose of verification and further though the representation dated 17-01-2017 is pending as against the notice issued by the 2nd respondent in File No.G1/ 18/ 2017, dated 11-01-2017, as illegal, unlawful, contrary to law and consequently direct the respondents not to undertake any kind of demolition of the houses of the petitioner without following due process of law, and pass such other order orders...”

2. Heard the learned counsel for the petitioner in the respective writ petitions, learned Government Pleaders for Municipal Administration and Revenue for respondent Nos.1 and 4 respectively and Sri N.Praveen Kumar, learned Standing Counsel for respondent Nos.2 and 3 and perused the prayer in the writ

petition with supporting affidavit and the other material on record including the written instructions placed by the learned Standing Counsel for respondent Nos.2 and 3

3. It is stated in the affidavit filed in support of the petition that without following the due process of law, the respondents measured and made marks to demolish the portion of the constructed properties, which are the residential premises of the petitioners.

4. It is the submission of the learned Government Pleader and the learned Standing Counsel from the written instructions that it is part of the Government land encroached by the petitioners and constructions made and even in their reply, they mentioned about the construction of compound wall, latrine and bathroom without permission and thereby, the authorities made markings and they will follow the due process of law.

5. By recording the above submissions, these Writ Petitions are disposed of. However, the respondents are directed not to demolish further the subject premises of the petitioners, without following the due process of law.

6. Consequently, miscellaneous petitions, if any shall stand closed. No order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 16.02.2018

Note:

Issue C.C. in three days.

B/o.

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