

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.6363 of 2018

ORDER :

Heard the learned counsel for the petitioner and the learned Govt. Pleader for Municipal Administration for R.1, learned Standing counsel Sri Ajay Kumar for Kakatiya Urban Development Authority-R.3, Smt. Pingali Lakshmi learned Standing Counsel for R.2-Warangal Municipal Corporation and S.S.Verma learned Standing Counsel for National Highways Authority of India for R.4 and R.5 in their offering to appear from their oral instructions and perused the prayer in the Writ Petition and supporting affidavit and the material on record.

The prayer in the Writ Petition reads as follows:-

“issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring action of the respondents in seeking to demolish the petitioner’s building bearing D.No.5-11-226, Naim Nagar, Hanamkonda, Warangal Urban District or any portion thereof without following the due process of law as illegal, arbitrary etc., and grant such other just and consequential relief or reliefs”

The averments of the supporting affidavit are that without following due process of law, the respondents are taking law into their hands to deprive the private property of the petitioner which is a residential building.

The submission of the learned standing counsel for R.2 vis-à-vis the 5th respondent is that they followed due process of law.

In this regard, Sections 146 and 147 of the Greater Hyderabad Municipal Corporation Act, 1955(for short, ‘the GHMC Act’) contemplates the procedure to acquire private property by the Commissioner.

Having regard to the above, the Writ Petition is disposed of directing the respondents to follow the due process of law and not to

dispossess the petitioner without following the procedure from any of his private property.

Consequently, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date:27.02.2018
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Dr. B.SIVA SANKARA RAO J,

