

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10684 of 2009

ORDER:

It is the assertion of the petitioner that he owned the land admeasuring 5445 Sq.yards in Survey No.142 situated at Amberpet, Hyderabad, out of which, he sold an extent of 736 sq.yards and around 716 sq.yards for laying the road and thus, he is in possession of the land admeasuring about 3900 sq.yards. It is also his assertion that the Officials of the respondent Corporation had taken some measurements and when he enquired about it, he was informed that there is a proposal to lay a road. It is the grievance of the petitioner that the respondent is trying to lay the road in his land without invoking the provisions of Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955. Hence, he filed the present Writ Petition.

On 29.05.2009, this Court while admitting the Writ Petition, issued interim direction as prayed for, which is to the effect that the respondent shall not demolish the compound wall and lay the road in the subject land.

Though the Writ Petition is of the year 2009, no counter-affidavit is filed by the respondent denying the allegations of the petitioner.

In those circumstances, even if the allegations of the petitioner are taken as true and as it is well settled that no person shall be deprived of his property without following due process of law as right to property is guaranteed under Article 300-A of the Constitution of India, this Writ Petition is disposed of with the direction to the respondent not to interfere with the petitioner's possession over the subject property without invoking the provisions of Section 146 of the Greater Hyderabad Municipal Corporation Act, 1955.

Miscellaneous Petitions, if any pending, shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

6th SEPTEMBER, 2018.

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