

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.18141 of 2018

ORDER:

Heard Mrs.Keerti Kabra, learned counsel for the petitioners.

2. The petitioners pray for the following relief:

“to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents No.2 to 5 herein in proceeding to demolish the houses of the Petitioners located in Sy. No.2142, 2143, 2144, 2151, and 2216 of Nagaram, Nerugunda, Hanuman Mandir Nizamabad, Telangana State, as highly illegal, arbitrary, malafide, unconstitutional, irrational and to consequently direct the Respondents not to demolish the houses of the Petitioners nor dispossess the Petitioners from Petitioners houses located in Sy. No.2142, 2143, 2144, 2151, and 2216 of Nagaram, Nerugunda, Hanuman Mandir, Nizamabad, Telangana State.”

3. The petitioners in support of their claim both for possession and enjoyment rely on the assignment granted in their favour.

4. Learned counsel for petitioners contends that as long as the assignment orders are in force, interfering with the petitioners' possession or assigning to third party is illegal, arbitrary and unconstitutional. Hence, the writ petition.

5. Learned Government Pleader placed on record the written instructions which are to the effect that the respondents are not interfering with the possession and enjoyment of the

petitioners, merely a survey was conducted. The written instructions read thus:

“It is submitted that in this case the petitioner Smt.Renuka W/o Kanaka Raju and (62) others have filed a writ petition before the Hon’ble High Court and prayed that not do demolish the homes of the petitioners nor dispossess the petitioners from petitioners houses located in Sy. No.2142, 2143, 2144, 2151, and 2216 of Nagaram, Nerugunda, Hanuman Mandir, Nizamabad, Telangana State.

In this regard, it is submitted that the Govt. has sanctioned (1000) 2BHK houses in 2nd phase for extension of 2BHK programme in Nizamabad (Urban) Constituency.

Accordingly, the District Collector, Nizamabad has requested to submit the details of Govt. lands available in Nizamabad (South) Mandal.

In view of the above, a survey has been conducted in Sy. No.2164, 2142, 2141 and identified an extent of 15 Acres 05 guntas excluding existing houses in where living and without disturbing them some of the petitioners not constructed houses.

Further I request kindly grant (4) weeks time for submitting details in this case.

This is submitted for favour of kind information.”

6. The instructions are placed on record.

7. The Writ Petition is ordered, accordingly. No order as to costs.

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

S.V. BHATT, J

Date: 24th May, 2018

KTL/KL

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