

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18937 of 2018

ORDER:

Heard Mr.P.R.Balarami Reddy for petitioner and the learned Assistant Government Pleader (Assignment) for respondents.

The petitioner prays for the following relief :-

“.....to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents in trying to demolish or remove Tea Stall H.No. 4-179B/ 178B (20X30) feet of the Petitioner in Sy.No.416/ 1 known as Patha Bhavi area situated at Pavagoda-Madakasira road is illegal, arbitrary and violation of Articles 14 and 21 of constitution of India and contrary to the orders dt.10.02.1998 in W.P.No.26252 of 1997.....”.

The petitioner in assertion of his possession and enjoyment of the subject matter of writ petition refers to the order of this Court in W.P.No.26252 of 1997; representation dated 09.05.2018; licence said to have been granted under the Factories Act and payment of property tax to the subject matter of writ petition.

The Assistant Government Pleader referring to written instructions dated 10.06.2018 firstly joins issue on the actual possession and enjoyment of petitioner and according to him, the petitioner is not in possession of Sy.No.416/1 but is in possession of Sy.No.416/2A. The respondents have taken possession and demolished the existing structures in Sy.No.416/1 and the respondents are not interfering with the possession of petitioner in respect of the structures covered by Sy.No.416/2A bearing House

No.4-179B/178B and in the event of necessity to take possession or demolish the structures, which are in existence in Sy.No.416/2A, the procedure prescribed by law will be followed and proceeded with.

The statement is placed on record and accepted.

The prayer though is in respect of Sy.No.416/1, to meet the ends of justice, the writ petition is disposed of by directing the respondents not to dispossess or change the physical features of House No.4-179B/178B in Sy.No.416/2A except in accordance with law.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

Dt: 11-06-2018
Prv



S. V. BHATT, J

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11-06-2017

Prv