

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.19829 of 2011

ORDER:

The relief sought for in this Writ Petition is for a mandamus to declare the action of the Executive Engineer, Secunderabad Cantonment Board in demolishing the store room and the watchmen room and in taking away certain material despite collecting the betterment charges of Rs.4,53,000/-, as arbitrary and illegal.

It is the petitioner's case that despite the plan for construction of a building having been sanctioned on 19.05.2011, and the petitioner having been granted 24 months time to complete construction, the respondents had interfered with his construction of the stilt, ground plus 1st and 2nd floors; interference by the 3rd respondent was unilateral because of the inter-se disputes among the Board Members; and this unilateral action on the part of the 3rd respondent was even without putting the petitioner on notice, and without giving him an opportunity of being heard.

No counter-affidavit is filed by the respondents. By the interim order, passed in WPMP No.24014 of 2011 dated 15.07.2011, the respondent-Cantonment Board was directed not to interfere with the petitioner's construction except in accordance with due procedure.

Sri D.Hanumantha Rao, Learned Counsel for the petitioner, expresses ignorance as to whether the subject building was constructed thereafter.

Suffice it, in such circumstances, to direct the respondents not to take any coercive steps, for demolition of the subject structures already raised in accordance with the sanctioned plan, without putting the petitioner on notice, and without giving him an opportunity of being heard.

The Writ Petition is, accordingly, disposed of. The Miscellaneous Petitions pending, if any, shall also stand closed. No order as to costs.

RAMESH RANGANATHAN, ACJ.

Date:29-03-2018.

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