

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29880 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the high handed and illegal action of the respondents in trying to demolish the structures over the plot bearing No.18/ 1 and 21/ 1 part admeasuring 500 square yards in Sy.No.40 situated at Khajaguda Village, Serilingampally Mandal, under GHMC, Ranga Reddy District, without following due process of law, is illegal, improper and incorrect.

2) Learned counsel for the petitioners would submit that the petitioners are absolute owners and possessors of the land, which they have purchased by way of registered sale deeds from their previous owners P.Krishna and Smt. Sunkapaka Sattamma respectively, for a valid consideration. It is said that the G.H.M.C. also granted permission for construction of a house and when the petitioners are in the process of construction, the respondents are trying to demolish the structures raised by the petitioners.

3) Government Pleader for Revenue, who took time to get instructions, placed on record the written instructions which discloses that on 16.08.2018 notice under Section 7 of the Land Encroachment Act was issued asking the petitioners to submit their explanation. It is also said that when the petitioners refused to receive the notices, the same were affixed at the site. The

claim of the government is that the land is 'Sarkari land' and the vendors of the petitioners have sold the same without any right.

4) From the above, it is clear that the petitioners are in possession of the property. Treating the proceedings as a notice under Section 7 (1) of the Land Encroachment Act, the petitioners shall submit an explanation before the concerned authorities on or before 30.08.2018, in which event the concerned authority shall pass appropriate orders, in accordance with law, after hearing the writ petitioners, within a period of two (02) weeks from the date of receipt of explanation.

5) With the above direction, the Writ Petition is disposed of at the admission stage. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

23.08.2018

Note: Issue C.C. tomorrow

B/o

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JUSTICE C. PRAVEEN KUMAR