

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38810 OF 2018

DATED :01.11.2018

Between :

Zame Masjid, Kazipet,
Through its President Mohammed Afzal,
S/o.Mohd. Ibrahim, Aged about 56 yrs,
Occu : Business, R/o.1-5-178, Kazipet,
Warangal District.

..

Petitioner

And

Greater Warangal Municipal Corporation,
Through its Commissioner,
S.V.N. Road, Warangal & another.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38810 OF 2018

ORDER :

Heard learned counsel for the petitioner and Smt P.Lakshmi, learned Standing counsel for Greater Warangal Municipal Corporation.

2. This writ petition is filed alleging that the building inspector of Warangal Municipal Corporation is threatening to demolish the petitioner's property bearing D.Nos.1-5-176 to 1-5-178, Kazipet.

3. The material on record would disclose that on 06.03.2018, the Greater Warangal Municipal Corporation, called upon the petitioner to produce all the documents in support of ownership claim of premises bearing D.No.1-5-178, Kazipet. It appears so far, the petitioner has not responded to the notice issued and petitioner only apprehends based on some statements of alleged interference by the Building Inspector. There is no averment about the officer who gave threatens of demolition. It cannot be expected from the Municipal Corporation that they will demolish the private property without following the due process. However, if the notice issued under Section 635 of Hyderabad Municipal Corporation Act, 1955 was not responded, it is always open to the Corporation to proceed further.

4. During the course of arguments, learned counsel for the petitioner also points out that the property is located adjacent to the road belonging to Roads & Buildings Department. If that is

so, it is not stated how the Greater Warangal Municipal Corporation is threatening to demolish.

5. Learned Standing counsel fairly submits that the Municipal Corporation will follow due process before acquiring the private property. There is no cause for the petitioner to invoke the jurisdiction of this Court and the writ Petition in the present form is pre-mature. This Court is in agreement with the said contention of learned Standing counsel.

6. Thus, leaving it open to the petitioner to respond to the notice dated 06.03.2018 and leaving it open to the Municipal Corporation to take further course of action, in pursuant to the notice dated 06.03.2018, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

1st November, 2018
Rds

P.NAVEEN RAO,J

