

THE HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.15975 OF 2016

ORDER:

The prayer sought for in this writ petition is as under:

“... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent No.2 in interfering with the petitioner’s peaceful possession of land in trying to digging a trench of 99’ (feet) in length and 2’ (feet) in width on the eastern side of house of petitioner No.7-3-253, Vijayapuri, Jagtial Town, Karimnagar District to lay open drainage which is hazardous to the health of family of petitioner as illegal, arbitrary and colorable exercise of power and contrary to the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resttlement Act, 2013 and in violation of Articles 21 and 300-A of the Constitution of India and consequently to direct the respondent No.2 not to interfere and not to lay the open drainage on the eastern side of the house of the petitioner No.7-3-253, Vijayapuri, Jagtial Town, Karimnagar District”.

Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent No.2-Municipality.

On 12.05.2016 after hearing, this Court has passed an order to the effect that the petitioner is permitted to

produce the documents in proof of his title and possession over the land claimed by him. The municipal authorities shall examine such documents, if any, and determine as to whether the portion of the land that they seek to dig a trench belongs to the petitioner. If so, the municipal authorities shall follow the due procedure laid down by law before proceeding further with the digging activity.

Pursuant to the said orders, the petitioner has submitted all his documents to the respondent No.2-Municipality. However, the learned Standing Counsel appearing for the respondent No.2-Municipality would submit that the copies submitted by the petitioner are not available with the Municipality. He requests to direct the petitioner to furnish another set of documents enabling them to look into and pass appropriate orders. He also would submit on instructions that till such orders are passed, no coercive steps will be taken, more so, any digging activity will not be taken.

Taking into consideration the said submissions made by the learned Standing Counsel for the respondent No.2-Municipality and also the averments made in the affidavit filed in support of the writ petition,

the petitioner hereby is directed to produce all the documents, including title documents in respect of the subject property to the respondent No.2-Municipality, within three weeks from the date of receipt of a copy of this order and respondent No.2-Municipality is directed to consider the same and pass appropriate orders, within six weeks thereafter. Till such time, the respondent No.2-Municipality is directed not to take the digging activity and they should not take any coercive steps against the petitioner.

With the said observations, the writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, pending if any, shall stand closed.

JUSTICE P. KESHAVA RAO

Date: 26.04.2018

slk

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