

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 39808 of 2017

ORDER:

Petitioners claim to have purchased Plot Nos.65/A and 60/A admeasuring 500 square yards and 416 square yards respectively in Survey No.165 situated at Guncha Hills, Kothapet Village, Rajendra Nagar Mandal, Ranga Reddy District. Thereafter, having obtained permission, they have constructed houses and are living therein. They had also constructed small sheds for parking their vehicles in the adjacent land which was meant for parking place in the layout. While so, respondent No.2 without issuing any notice threatened the petitioners to demolish the sheds as the land belongs to the Gram Panchayat. Hence, this writ petition.

Respondent No.2 filed a counter-affidavit stating that the layout, which the petitioners have produced, is vague and as a matter of fact, there does not exist any subdivision of the plots which the petitioners are claiming and that since the petitioners have made constructions in the place meant for public utility, respondent No.2 is taking steps to demolish the same.

A perusal of the material on record indicates that as on date, no notice was issued to the petitioners by respondent No.2 alleging that they have constructed the sheds in the open space

meant for public utility in the layout. Learned counsel for the petitioner submits that the petitioners constructed sheds as far back as in 2013.

Since respondent No.2 stated in the counter-affidavit for the first time that the petitioners occupied the open space meant for public utility and as the petitioners were not put on notice in that regard, the writ petition is disposed of with the direction to respondent No.2 to issue proper notice to the petitioners specifically setting out the omissions and commissions and pass appropriate orders after giving them an opportunity of hearing to make their stand clear and considering the documents, if any, filed in support of their claim. The entire exercise shall be completed within four weeks from the date of receipt of a copy of this order. Till then, respondent No.2 shall not take coercive steps including demolition of the sheds in question.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:07.02.2018

kdl