

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5880 OF 2019

ORDER:

This writ petition is filed for the following relief:

“.....Writ of Mandamus declaring the action of the respondents more particularly the respondent No.2 threatening to demolish the petitioner's house property bearing H.No.2-7-136/7, bus stand road, Jangaon without following or invoking the acquisition proceedings under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, (for short 'Act 30 of 2013') under the pretext of encroachment as illegal, arbitrary.....”

It is the case of the petitioner that he is the owner of the property to an extent of 123.29 sq.yards situated at Bus Stand Road, Jangaon Town, Mandal and District, having purchased the same under registered sale deed dated 02.12.2005. After obtaining permission from the 2nd respondent, the petitioner has constructed G + 2 floors and a pent house on the 3rd floor. He also got regularized the deviations pointed out by the officials of the 2nd respondent. Thereafter, in February, 2019, the officials of the 2nd respondent demanded the petitioner for removal of front portion of his building alleging that 7 feet of the building encroached the road margin and as per their demand, the petitioner has removed 7 feet of construction of the building. But once again, the officials of the 2nd respondent, without following due process of law, are threatening to demolish the entire structure of the petitioner stating that they are required to demolish another 2 feet of the construction for the purpose of road widening. It is also the assertion of the petitioner that no

written communication as such has been issued nor there was any notice under the provision of Act 30 of 2013. Hence, the petitioner prays for a writ of mandamus as referred to above.

On the other hand, learned Standing counsel appearing for the 2nd respondent submits that a few others, who have made constructions encroaching upon the 100 feet road, have removed their constructions and vacated, but the petitioner is not cooperating with the said course. He further submits that the petitioner would be issued notice under the Great Hyderabad Municipal Corporation Act, 1955 and necessary action would be initiated and till such time, no coercive steps will be taken against the petitioner.

The submission made by the 2nd respondent is made part of record and the writ petition is disposed of with a direction to the respondents not to interfere with the petitioner's property bearing H.No.2-7-136/7, Bus Stand Road, Jangaon, without following due process of law. No order as to costs.

In view of disposal of the main writ petition, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 20.03.2019.

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