

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.8446 OF 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble court may be pleased to issue an appropriate writ or order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of 2nd respondent in attempting to dispossess the petitioner from premises in Mulgi No.257, forming part of House No. 257, in the ground floor, situated at Lal Bazar, Trimulgherry Village, Secunderabad Cantonment, as illegal, unjust, unsustainable and violative of principles of natural justice and consequently direct the respondent No. 2 not to dispossess the petitioner except under due process of law and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

2. Heard Sri Pottigari Sridhar Reddy, learned counsel appearing for the petitioner, Sri K.Lakshman, learned Assistant Solicitor General appearing for the 1st respondent and Sri K.R.Koteswara Rao, learned Standing Counsel appearing for the 2nd respondent.

3. The case of the petitioner is that he is a tenant in Mulgi No.257, forming part of H.No.257, in the ground floor, situated at Lal Bazar, Trimulgherry Village, Secunderabad Cantonment, belonging to the 2nd respondent and he is in possession of the said property for the past several years and that the terms between the petitioner and his landlord, who is the 3rd respondent herein, are not cordial and series of cases went on before lower Court as well as High Court.

4. Learned counsel for the petitioner submits that the 3rd respondent, who acted hand-in-glove with the 2nd respondent, is taking steps to dispossess the petitioner from the subject property without assigning any reasons or without issuing any notice or without even passing any orders in this regard.

5. Per contra, Sri K.R.Koteswara Rao, learned Standing Counsel appearing for the 2nd respondent submits that in the earlier round of litigation, the petitioner filed W.P.No.29986 of 2013 before this Court, wherein an interim order, dated 17.10.2013, in W.P.M.P.No.37222 of 2013, was granted to the petitioner. Thereafter, no orders have been passed by the 2nd respondent and the petitioner kept the subject premises under lock and key and he is pursuing the litigation. In support of his arguments, learned Standing Counsel also filed some photographs before this Court, *vide* letter, dated 17.09.2013, which are taken on record, to show that the ceiling of the Mulgi is almost collapsed to a larger extent and the same is kept with some wooden pillars for preventing further damages.

6. In view of the same, without going into the contradictions and the disputed questions of fact, this Court feels that it is just and necessary that the 2nd respondent takes a decision in the subject matter.

7. Hence, without expressing any opinion on merits of the case, the Writ Petition is disposed of directing the petitioner to submit a representation to the 2nd respondent by giving his proof of address i.e., the place where he is residing and the place where any

correspondence is to be made, within a period of one (01) week from today and on receipt of such representation, the 2nd respondent shall consider the same and pass appropriate orders, in accordance with law, as expeditiously as possible, particularly in conformity with the provisions of the Cantonments Act, 2006, the Rules and guidelines made thereunder and communicate the decision taken thereon to the petitioner. Till then, the 2nd respondent shall neither take any coercive steps against the petitioner nor dispossess him from the subject property.

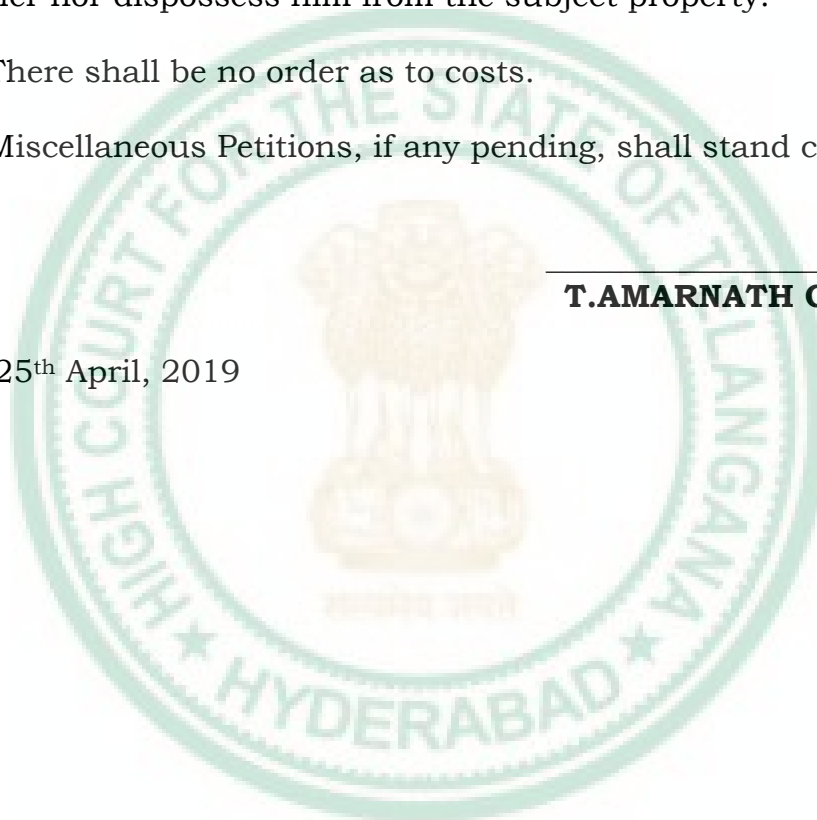
There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

T.AMARNATH GOUD, J

Date: 25th April, 2019

KL



37

HON'BLE SRI JUSTICE T.AMARNATH GOUD



WRIT PETITION No.8446 OF 2019

Date: 25th April, 2019

KL