

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.11141 of 2014

ORDER:

The petitioners assail the action of the 1st respondent in trying to cause demolition of their college buildings in the land admeasuring Ac.31-02 guntas, in Survey Nos.630, 631, 632, 640, 641, 642, 643, 644, 645 of Gundlapochampally Village, Medchal Mandal, Ranga Reddy District.

Heard the learned counsel for the petitioners, and the learned Government Pleader for respondent Municipality. Counter affidavit is filed.

It is the case of the petitioners that they made constructions on the strength of the permissions granted by the Gram Panchayat. It is also asserted that respondents 1 and 2, without issuing notice and without conducting enquiry, are threatening to demolish the constructions made by the petitioners. It is also the contention of the petitioners that they had made an application seeking regularisation of the constructions, on 13.04.2012 and the same is pending.

In the counter affidavit filed by the 1st respondent, it is specifically asserted that the application filed by the petitioner seeking regularisation stands rejected as the proposal for change of land use from conservation to public and semi public use, was rejected by the Government. The allegation that the respondents are taking action without notice has been specifically denied with further assertion that the writ petition is filed on mere apprehension. It is further asserted that the action is taken with respect to the unauthorised construction by following due process.

Having regard to the submission made by both the parties, since it is the assertion of the petitioners that their regularisation application is still pending, and the assertion of the respondents being that the regularisation application was rejected, however, as there is admission on the part of the

respondents that they would take action by following the procedure prescribed under law, the writ petition is disposed of leaving it open to the respondents to take action against the unauthorised and illegal constructions by following due process of law.

No costs. Miscellaneous petitions, if any pending, shall stand closed.

31st January, 2019
KSM

JUSTICE CHALLA KODANDA RAM



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