

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26854 of 2019

ORDER:

This writ petition is filed for the following relief;

“to issue an order or direction more particularly one in the form of Writ of Mandamus by declaring the action of the respondents in trying to acquire the part of residential plots bearing House Nos.6-3-640, 6-3-642, 6-3-638 and 6-3-619, Kisan Nagar, Karimnagar City and District of petitioners even without initiation of acquisition of requisition proceedings contemplated under law as being illegal, arbitrary, unjust, improper and is in negation of the established judicial precedents besides in violation of Art.14, 21 and 300-A of the Constitution of India apart from violative of Principles of Natural Justice; and consequently direct the respondents not to acquire the aforesaid part of residential plots bearing House Nos.6-3-640, 6-3-642, 6-3-638 and 6-3-619, Kisan Nagar, Karimnagar City & District of the petitioners without following the due process of law and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”.

It is the case of the petitioners that they are the absolute owners of residential plots bearing House Nos.6-3-640, 6-3-642, 6-3-638 and 6-3-619, respectively, situated at Kisan Nagar, Karimnagar City & District; and that they

are paying property tax to the said residential plots. While so, the respondent authorities are trying to cut some portion of structure of the aforesaid house sites without taking any recourse to the acquisition or requisition proceedings or giving any notice. Aggrieved by the same present writ petition is filed.

Heard learned counsel for the petitioners who submits that the *lis* in this writ petition is squarely covered by order dt.04.12.2019 passed by this Court in WP.No.26211 of 2019.

Sri V.Satyam Reddy, learned Standing Counsel for the 2nd respondent produced written instructions stating that as per the Master Plan the road from Rajiv Chowk to Kisan Nagar (Railway Station Road) is 60 feet; that the said road is developed under the Smart City Funds; that the petitioners have encroached on to the master plan road for an extent of 5 feet each; and that this office is removing the structure encroached on the 60 feet road which is causing inconvenience to the public. He further submits that the respondents are in the process of issuing notices to all the building owners who are in the existing 60 feet Master Plan road to the portion of encroachment, and that they will follow the due procedure in laying of the roads.”

In this case, it is to be seen that the respondent authorities are in the process of issuing notices to the building owners who are in the existing 60 feet Master Plan road to the portion of encroachment.

In view of the same, as and when notices are issued, it is open for the petitioners to raise all their objections before the respondents and the respondents are directed to consider the said objections of the petitioners before taking further action, in accordance with law. Till then, no coercive steps shall be taken against the petitioners.

With the above direction, this Writ Petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

04-12-2019
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Date 04.12.2019.

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