

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.27292 OF 2019

ORDER:

This writ petition is filed challenging the action of respondent Nos.1 to 3 in trying to dispossess the petitioner from his residential house admeasuring 40 square yards bearing H.No.6-1-487/14, Mahabharath Nagar, Khairatabad, Hyderabad and trying to demolish the same without due process of law.

2. It is the case of the petitioner that his father was assigned with house plot bearing No.79/1, admeasuring 40 square yards, in Sy.No.9/1, Khairatabad, Hyderabad. After the death of his father, he constructed a permanent house in the said plot and the same was assigned as H.No.6-1-487/14 and he and his family members have been residing in the same. While so, respondent No.4 issued a notice stating that the petitioner gave consent for demolition of his house for construction of two bedroom houses and asked the petitioner to vacate the house. Thereafter, the respondents tried to dispossess the petitioner from his house without following due process of law.

3. Respondent Nos.2 to 4 filed counter-affidavit stating that the District Collector, Hyderabad, vide letter dated 22.08.2016, handed over land admeasuring Ac.1-21 guntas to the Greater Hyderabad Municipal Corporation (GHMC) for taking up two bedroom houses at Indira Nagar. Thereafter, the Tahsildar, Khairatabad, conducted Socio-Economic Survey and issued possession certificates to the existing households for vacation of existing houses for construction

of two bedroom houses. The petitioner is one of the existing households at Indira Nagar Colony and his property was covered in the land handed over to GHMC. During the Socio-Economic Survey, one possession certificate was allotted to the petitioner on his wife's name for vacation of existing house, for which, she accepted the possession certificate. It is further stated that the house of the petitioner is about 32 square yards, but the two bedroom house proposed to allot to the petitioner is about 62 square yards.

4. As per the contents of the counter-affidavit, it is clear that the petitioner accepted possession certificate and agreed to vacate his existing house for the purpose of construction of two bedroom houses. Therefore, the petitioner, in the present writ petition, cannot urge that he did not give consent to the respondents for demolition of his house for the purpose of construction of two bedroom houses and that the respondents are trying to dispossess him from his house without following due process of law. As the respondents protected the interest of the petitioner, he is estopped from filing the present writ petition and hence, the writ petition is liable to be dismissed.

5. The writ petition is accordingly dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date:20.12.2019
TJMR