

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.27350 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 disclosed in the accompanying affidavit, it is therefore prayed that this Hon’ble Court may be pleased to grant an order, direction or writ, more so in the nature of Writ of mandamus declaring the action of the Respondents herein in interfering with the peaceful possession and enjoyment of property in Sy.No.85/C admeasuring to an extent of Ac. 0.30 guntas premises bearing D.No.6-4-310/A/1, Karkhanagadda, Karimnagar and initiating steps to demolish the same on the ground of road widening from Kisan Nagar to Railway Station as illegal arbitrary highhanded violative of principles of natural justice apart from being violative of Article 14 and 300-A of Constitution of India and contrary to the provisions of GHMC Act and consequently to direct the Respondents to not to resort to any action as threatened against the petitioner herein over the property in Sy.No.85/C admeasuring to an extent of Ac.0.30 guntas premises bearing D.No.6-4-310/A/1, Karkhanagadda, Karimnagar except with due process of law under Telangana Municipalities Act, 2019 and pass such other order or orders as this Hon’ble court may deem fit and proper in the circumstances of the case.”

2. Heard Sri T.Bala Mohan Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent and Sri V.Satyam Reddy, learned standing counsel appearing for respondents 2 & 3. Perused the material available on record.

3. It is the case of the petitioner that she is the absolute owner and peaceful possessor of the property with D.No.6-4-310/A/1, Karkhanagadda, Karimnagar, in Survey No.85/C on a plot admeasuring Ac. 0.30 guntas. The respondents are trying to evict the petitioner from her property without following any due process of law on the ground of road widening from Kisan Nagar to Railway Station. The petitioner has also submitted a representation, dated 05.12.2019, but till now the respondent authorities have not taken any action. Hence, the present writ petition is filed.

4. Learned counsel for the petitioner submits that earlier, this Court passed an interim order on 09.12.2019 directing the respondents not to evict the petitioner from the subject premises without following the due process of law.

5. Sri V.Satyam, learned standing counsel for respondents 2 & 3 submits that he has got instructions from the concerned respondent officer that the respondent officials have already initiated legal action against the petitioner since the petitioner has encroached around 4 feet towards road side.

6. Having regard to the facts and circumstances of the case and the submissions made by learned counsel for both sides, the Writ Petition is disposed of giving liberty to the respondent authorities to proceed, in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed
in the light of this final order.

T. AMARNATH GOUD, J

Date: 17th December, 2019

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