

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2929 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned standing counsel appearing for the third respondent.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit the petitioner prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the Respondent No.3 is illegal, arbitrary and without any notice or explanation try to demolish the houses of the petitioners for dispossessing from the legal possession of said land and to pass such other order or orders as this Hon'ble Court deems fit and proper in the interest of justice.'

3. Learned counsel appearing for the petitioners submits that the third respondent is resorting to demolish the structures existing in Sy.Nos.252 and 253 situated at Vemana Weaker Section Colony, Chanda Nagar, Sherilingampally Mandal, K.V.Rangareddy District, without giving any notice or without providing any alternative place or building for residence as illegal, arbitrary and violative of Articles 14, 21 and 300-A of the Constitution.

4. Learned standing counsel appearing for the third respondent submits that in compliance with the order passed by a Division Bench of this Court, the third respondent constructed Sewerage Treatment Plant (STP). All around the STP, a compound wall is being constructed by the

third respondent. However, the temporary structures raised by the petitioners are coming in the way of construction of the compound wall.

5. Be that as it may, even it is presumed that the petitioners have raised temporary structures, they cannot be removed without resorting to the due process of law.

6. Learned standing counsel also brought to the notice of this Court that the revenue authorities are competent to issue notice under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and evict the petitioners.

7. In these circumstances, the respondents are directed not to dispossess the petitioners, without due process of law. However, it is made clear that the petitioners shall not make any further constructions in the subject site.

8. Accordingly, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

JUSTICE P.KESHA RAO

Date: 13.02.2020

PGS