

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1848 of 2014

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a Writ of Mandamus or any other writ, order or direction declaring the action of the respondents herein in demolishing the structures over the property of the petitioners in Plot No.26 and 26-A over an extent of 300 Sq.Yds and 299.33 Sq Yds respectively in Sy.No.74/4 situated at Vyjayanthi Co-operative Housing Society East Maredpally, Mahendra Hills, Secunderabad, pursuant to the order of the 2nd respondent dated 4.1.2014 as being illegal, arbitrary and unconstitutional, violative of principles of natural justice apart from being contrary to provisions of the Cantonment Act, 2006 and consequently direct the 1st respondent to restore the structure to its original position and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.Sri Harsha Reddy, learned counsel for the petitioner and Sri K.R.Koteswar Rao, learned Standing Counsel appearing for the 1st respondent.

Learned counsel appearing for the petitioner contended that by the time this Court granted *status quo* on 27.01.2014, half of the building was already demolished and now the petitioner intends to seek permission to construct the building.

Learned Standing Counsel appearing for the 1st respondent contended that if the petitioner intends to construct the building, it is always open to her to submit a fresh application seeking permission for construction of building.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Writ Petition can be disposed of directing the petitioner to submit a fresh application seeking necessary permission for construction of building and on receipt of such an application, the respondents shall consider the same and pass appropriate orders in accordance with law.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 28.01.2020
rkk

