

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.36668 of 2014

ORDER:

This writ petition is filed seeking the following relief:

“To issue an appropriate writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the respondents 3 and 4 in illegally interfering with the day to day business activities of the petitioners i.e., running hotel, pan dabba, tea stall and mirhi shops in part and parcel of site bearing H.No.2-51/A, situated at Indranagar, Gachibowli village, Serilingampally mandal, R.R. District, as bad, illegal, mala fide one and against the principles of natural justice and consequently to direct the respondents not to interfere with the day to day business activities being carried out by the petitioners in the site bearing H.No.2-51/A situated at Indranagar, Gachibowli village, Serilingampally mandal, R.R. District, in any manner in the interest of justice and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Learned counsel Sri Sudhakar appearing before this Court categorically asserts that though the vakalat bears his name and computer code number, he has not filed this writ petition and the signature in the vakalat also is forged. In those circumstances, the learned counsel suggests that this Court may issue notice to the petitioners in the writ petition.

The matter came up last on 01.12.2014 for admission, on which day, this Court instructed the learned Government Pleader to obtain instructions from the Inspector of Police, Gachibowli Police Station as to why the petitioners are being harassed by detaining them for long hours in the police station.

Thereafter on 08.12.2014, this Court having taken into consideration the instructions provided by the learned Government Pleader did not pass any orders and accepted the submission made on behalf of the respondents that the police are not interfering with the petitioners' possession. However, this Court directed

the respondents 3 and 4 to file a counter affidavit meeting the allegations made in paragraph No.7 of the writ affidavit.

In paragraph 7 of the writ affidavit, it was alleged that the police staff came to the site of the petitioners and forcibly taken away their cooking and business utensils and pan dabba.

In the counter affidavit filed by the respondents, the Station House Officer, Gachibowli police station, Cyberabad, denied the allegation made in paragraph 7 of the writ affidavit as false. It is further stated in the counter affidavit that the petitioners have unauthorisedly squat at the junction of Madhapur causing obstruction to free flow of traffic, resulting in accidents, and it only at the request of Greater Hyderabad Municipal Corporation, Deputy Commissioner, Circle XI, Serilingampally, vide letter dated 01.11.2014, the Deputy Commissioner of Police, Madhapur, was directed to provide sufficient police force to maintain law and order while removing unauthorized encroachments on the road.

Having considered the averments in the counter affidavit vis-à-vis the writ affidavit, this Court is not inclined to issue notice to the petitioners as, admittedly, as on date, the unauthorized encroachments have already been cleared. However, in the event of the petitioners having any further grievance, they are at liberty to take appropriate legal proceedings.

Subject to the above, the writ petition is closed. No costs. Miscellaneous petitions, if any pending, shall also stand closed.

CHALLA KODANDA RAM, J

23rd January, 2020
KSM

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