

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.30198 OF 2021

ORDER:

This Writ Petition is filed seeking the following relief:

to issue writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in trying to demolish the structures over the petitioner property in Sy.Nos. 452/A1/2, 452/B2, 452E2, 453/E3/1, and 453/F admeasuring 1794 Sq Yards situated at Block No.29, Miryalaguda, Nalgonda District, as being illegal, arbitrary and unconstitutional contrary to the provisions of the Municipalities Act apart from being in violation of Principles of Natural Justice and consequently direct the 2nd respondent not to interfere with the petitioner property except by following due process of law and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case."

02. Heard Sri P.Sri Harsha Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and learned Standing Counsel appearing for respondent No.2.

03. It is the case of the petitioner that one Gurram Venkat Reddy, is the owner and possessor of an extent of Ac.1.10 guntas, and he converted the said land from agricultural land to non-agricultural land *vide* proceedings of the Revenue Divisional Officer, Miryalaguda, dated 17.11.2017 and he developed the said land into open plots after leaving approach roads. Petitioner is the Sri Yadadri Builders and Developers and it purchased an extent of land admeasuring 1794 square yards in Sy.No.452/A1/2, 452/B2, 452/E2, 453/E3, 453/E3/1 and 453/F, situated at Block No.29, Miryalaguda, Nalgonda District, from the said Venkat Reddy. While so, when 2nd respondent without following due process of law, is trying to

demolish the structures, which were erected in the said land, the present writ petition is filed.

04. Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents not to interfere with the peaceful possession of the petitioner and not to demolish the structures in the said land, without following due process of law.

05. Learned Standing Counsel appearing for the 2nd respondent contended that without following due process of law, the 2nd respondent will not interfere with the possession of the petitioner and will not take any steps to demolish the structures. Learned Standing Counsel further contended that if the petitioner has violated any provision of law, the 2nd respondent would follow due process of law and take appropriate action against him.

06. Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the 2nd respondent not to interfere with the peaceful possession of the petitioner and not to demolish the structures erected in the said land without following due process of law.

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

Pending Miscellaneous Petitions, if any, shall also stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 24.11.2021
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