

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**TUESDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION NO: 15863 OF 2015

Between:

Tanaji Vinod Kumar, S/o.T.Rama Swamy, aged about 54 years, Occ: Barber,
R/o.H.No.13-6-448/6/A, Sai Nagar, Karwan, Hyderabad.

...PETITIONER

AND

1. State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, Chirag Ali Lane, Hyderabad.
3. The Tahsildar, Asifnagar Mandal, Hyderabad District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the high handed action of the 3rd respondent in trying to interfere and demolish the rooms under house bearing municipal no.10-3-282/2A/35 total admeasuring 200 sq. yards, under sy.no.6 situated at Humayunnagar, Mallepally Village, Hyderabad District, on the assumption of encroaching Government land, without issuing any prior notice to the petitioner or without following the procedure contemplated under law, as illegal, arbitrary, unjust, unconstitutional, in violation of principles of natural justice and also as against the provisions of A.P.Land Encroachment Act, 1905, and consequently direct the respondents 2 and 3 not to interfere or demolish the rooms under the subject property, without following the procedure contemplated under law.

I.A. NO: 1 OF 2015(WPMP. NO: 20655 OF 2015)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents 2 and 3 not to interfere or demolish the rooms under house bearing municipal No. 10-3-282/2A/35 total admeasuring 200 sq. yards, under Sy.No.6 situated at Humayunnagar, Mallepally Village, Hyderabad District, without following the procedure contemplated under the law, pending disposal of the writ petition.

Counsel for the Petitioner: SRI MOHD MOIN AHMED QUADRI

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION No. 15863 OF 2015

ORDER:

This present writ petition is filed to issue a writ or direction more particularly writ of mandamus to declare the action of the respondent No.3 in trying to interfere and demolish the rooms under house bearing municipal No.10-3282/2A/35 total admeasuring 200 sq.yards under Sy No.6 situated at Humayunagar, Mallepally Village, Hyderabad District on the assumption of encroaching Government land without issuing any prior notice to the petitioner or without following the procedure contemplated under law as illegal arbitrary unjust unconstitutional in violation of principles of natural justice and also as against the provisions of AP Land Encroachment Act, 1905 and consequently direct the respondents No.2 and 3 not to interfere or demolish the rooms under the subject property without following the procedure contemplated under law.

2. Learned counsel for the petitioner contended that petitioner filed WPMP No.20655 of 2015 in WP No.15863 of

2015 and this Hon'ble Court on 10.06.2015 was pleased to pass interim order, reads as:

"Learned Assistant Government Pleader for Revenue having obtained instructions in the matter, states that no demolition drive is being undertaken insofar as the subject area is concerned."

3. Learned counsel for the petitioner submits that in pursuant to the interim order dated 10.06.2015, the respondent authorities are not interfering with the possession of the petitioner subject land.

4. Learned Government Pleader for Revenue appearing for respondents informs the Court that subsequently to the interim order passed by this Court on 10.06.2015, the respondents authorities are not interfering with the possession of the petitioner subject land, and will follow due process of law before taking any action, in accordance with law.

5. In view of the submission made by the learned counsels on either side into consideration, the respondents are directed not to interfere with the peaceful possession and enjoyment of

the petitioner subject land without following due process of law.

6. Accordingly, Writ Petition is disposed of. Miscellaneous applications, if any pending, shall stand closed. No order as to costs.

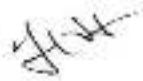
SD/- K. SAILESHI
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Hyderabad District, Chirag Ali Lane, Hyderabad.
3. The Tahsildar, Asifnagar Mandal, Hyderabad District.
4. One CC to SRI MOHD MOIN AHMED QUADRI, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CD Copies

BB
GJP



HIGH COURT

DATED: 06/09/2022



ORDER

WP.No.15863 of 2015

DISPOSING OF THE W.P
WITHOUT COSTS

SB

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07/12/2022
HVS