

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION Nos.10224 of 2019 and 28899 of 2022

COMMON ORDER:

The writ petition No.10224 of 2019 is filed to issue directions to the respondents not to interfere and not to demolish the compound wall existing on the petitioner's property in Sy.No.42 to an extent of Ac2.00gts of Nasapur Municipality, Mancherial District which is allotted by Tahsildar Mancherial on 19.11.2015 in view of assignment proceedings A4/2722/ 1978 dated 09.05.1978 and patta certificate Rc.No.A4/2722/1978 dated 29.05.1978, even though there is order against respondent No.2 by this court in W.P.No.3162 of 2019 and consequently to declare the action of the respondent Nos.2 and 3 in serving notice in file No.G1 /TPBO/2018-19 dated 18.04.2019 and 02.05.2019, as illegal and arbitrary.

2. The writ petition No.28899 of 2022 is filed to issue directions to the respondents not to interfere and not to demolish the petitioners houses bearing Nos.5-28/A, 5-28/B and 5-28/C constructed on their property situated in part of Sy.No.42 to an extent of Ac.2.00gts of Nasapur Municipality, Mancherial District, which is allotted by Tahsildar, Manchiriyal on 19.11.2015 in view of assignment proceedings A4/2722/1978 dated 09.05.1978 and patta certificate Rc.No.A4/2722/1978 dated 29.05.1978, even though there is an order against respondent No.2 by this court in

W.P.No.3162 of 2019 and also consequently to declare the action of the respondents in interfering in the petitioners houses and threatening them that at anytime they will demolish the houses of petitioners, as illegal and arbitrary.

3. The petitioner in W.P.No.10224 of 2019 subsequent to filing of the same, has also filed W.P.No.28899 of 2022 along with two other petitioners who are none other than his family members.

4. The subject property and the parties are one and the same. Hence, these writ petitions are disposed of by way of this common order.

5. Heard Mr. Padala Pravin Kumar, learned counsel for petitioners, Mr. N. Praveen Kumar, learned standing counsel for GHMC, learned Government Pleader for Municipal Administration appearing for respondent No.1 and learned Government Pleader for Revenue.

6. Learned counsel for the petitioners submits that the respondents have issued impugned show cause notice dated 18.04.2019 whereby they have directed the petitioner to stop the construction of compound wall on the subject property which is

carried out without obtaining permission and further also directed the petitioner to submit his reply within seven (7) days. Questioning the said notice, the petitioner has come up before this court by filing W.P.No.10224 of 2019.

7. Learned counsel for the petitioners further submits that this court has granted an order of status-quo in W.P.No.10224 of 2019 which was initially for a period of eight (8) weeks and later, it was extended until further orders.

8. In the writ affidavit of W.P.No.10224 of 2019, it is stated that the petitioner has obtained permission from the Grampanchayat on 20.07.2011 and by virtue of the same, he has constructed the compound wall and doing dairy business in the said premises. It is stated that without following the due process of law, the respondents have started demolishing the compound wall.

9. In the writ affidavit of W.P.No.28899 of 2022, it is stated that after obtaining orders of this court in W.P.No.3162 of 2019, the petitioners in the subject property have constructed the compound wall and small houses including the dairy cattle shed and doing agriculture and dairy business. It is stated that now without issuing any notice, without following the due process, the

respondents are highhandedly trying to demolish the compound wall and structures which compelled the petitioners to approach this court.

10. Learned standing counsel on instructions submits that even according to the petitioner, he has obtained permission in the year 2011 and in the writ petition filed in the year 2019, the writ petitioner himself has stated that he is constructing the compound wall. He submits that the permission that was granted in favor of the petitioner was in force for a period of one year and admittedly on the face of it, the petitioner is making construction without any plan and it is submitted that the respondents will follow the due process by issuing notice and will take appropriate action.

11. The petitioner when he has come up before his court in the year 2019 i.e.W.P.No.10224 of 2019, he has stated that when he is trying to construct the compound wall and doing cattle business, the respondents have tried to demolish the compound wall. Hence, according to the petitioner, basing on the permission granted in the year 2011, he is constructing in the year 2019.

12. When it comes to the writ petition of 2022 i.e. W.P.No.28899 of 2022, the petitioners have stated that there are house numbers

being allotted to them. It appears that petitioners have made constructions after obtaining status-quo orders from this court in W.P.No.10224 of 2019. Be that as it may, the respondents are at liberty to proceed against the illegal constructions made by the petitioners in the subject property and take appropriate action in accordance with law.

13. The writ petitions are accordingly disposed of. There shall be no order as to costs.

The miscellaneous applications, if any shall stand automatically closed.

13th July, 2022
gvl

LALITHA KANNEGANTI, J