

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

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

**THE HONOURABLE SRI JUSTICE K. SARATH
WRIT PETITION NO: 6701 OF 2008**

Between:

1. K. Srimannarayana, S/o Late Sri K. Subbaiah, Aged about 56 years, Occ: Govt. Service R/o.5-69, Deepthisree Nagar, Miyapur, Hyderabad.
2. V.V. Satyanarayana Valluri, S/o Late Sri Subba Rao V., Aged about 53 years, Occ: Employee R/o.5-67, Deepthisree Nagar, Miyapur, Hyderabad.
3. V. Subba Rao, S/o. V. Guravayya, Aged about 43 years, Occ: Maison R/o.5-70/B, Deepthisree Nagar, Miyapur, Hyderabad.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep. by the Collector, R.R. Dist. Lakdi-kapool, Hyderabad.
2. The Mandal Revenue Officer, Serilingampally Mandal, R.R. Dist.

...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 in the nature writ of mandamus, declaring the action of the respondents in unilaterally breaking the eastern side compound walls of the Petitioners house bearing Nos; 5-69, 5-67 and 5-70/B respectively in Deepthisree Nagar, Miyapur, Hyderabad forming part of the Deepthisree Nagar Cooperative House Building Society Ltd., (Reg.No.TBC-509) as illegal, unauthorized, arbitrary and consequently direct them to forbear from disturbing the Petitioners in their possession or resort to any further demolitions etc. without due process of law.

I.A. NO: 1 OF 2008(WPMP. NO: 8758 OF 2008)

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 by way of injunction restraining the Respondents, their men, servants, agents etc. from interfering the peaceful possession and enjoyment of the properties held respectively of the petitioners house bearing Nos; 5-69, 5-67 and 5-70/B respectively in Deepthisree Nagar, Miyapur, Hyderabad forming part of the Deepthisree Nagar Cooperative House Building Society Ltd., (Reg.No.TBC-509).

Counsel for the Petitioners: SRI V. HARI HARAN

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No. 6701 of 2008

ORDER:

This writ petition is filed for the following relief:

"....to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the arbitrary action of the respondents in unilaterally breaking the eastern side compound walls of the petitioners house bearing Nos.5-69, 5-67 and 5-70/B respectively in Deeptisree Nagar, Miyapur, Hyderabad forming part of the Deeptisree Nagar Cooperative House Building Society Ltd. (Reg. No.TBC-509) as illegal, unauthorized, arbitrary and consequently direct them to forbear from disturbing the Petitioners in their possession or resort to any further demolitions etc., without due process of law"

2. Heard the learned Counsel for the petitioners and learned Government Pleader for Revenue.

3. Learned Counsel for the petitioners submits that the respondents are trying to break the eastern side compound walls of the petitioners house bearing Nos. 5-69, 5-67 and 5-70/B respectively in Deeptisree Nagar, Miyapur,

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Hyderabad forming part of the Deeptisree Nagar Cooperative House Building Society Ltd., (Reg. No.TBC-509) without issuing any show-cause notice; or without following due process of law.

4. Even after lapse of more than fourteen years the respondents did not choose to file counter in this matter.

5. In the above circumstances, the Writ Petition is disposed of directing the respondents not to break the compound walls in respect of the subject property without following due process of law.

6. Miscellaneous petitions pending if any, shall stand closed. There shall no order as to costs.

//TRUE COPY//

SD/-N. SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Collector, The State of Telangana, R.R. Dist. Lakdi-kapool, Hyderabad.
 2. The Mandal Revenue Officer, Serilingampally Mandal, R.R. Dist.
 3. One CC to SRI V. HARI HARAN, Advocate [OPUC]
 4. Two CCs to GP FOR REVENUE, High Court for the State of Telangana.
[OUT]
 5. Two CD Copies
- BN
GJP
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HIGH COURT

DATED:30/12/2022



ORDER

WP.No.6701 of 2008

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

[Handwritten signature]
19/1/2023