
(2022) 05 TEL CK 0006
In the Telangana High Court
Case No : Writ Petition No. 24024 Of 2022

Nayini Srinivas

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 26-05-2022

Acts Referred:

Citation : (2022) 05 TEL CK 0006

Hon'ble Judges : P. Madhavi Devi, J

Bench : Single Bench

Advocate : J Kanakaiah

Final Decision : Disposed Of

Judgement

1. Heard the learned Counsel for the petitioner, Sri Jalli Kanakaiah and the learned Standing Counsel for the 3rd respondent, Sri N. Praveen Kumar.
2. The learned counsel for the petitioner submits that the impugned letter dated 12.05.2022 has been issued to the petitioner directing him to remove the construction made in the land belonging to him in Survey No.441 of Nampally Village, Vemulawada Mandal, Rajanna Siricilla District on the basis of a survey report made pursuant to the survey done in respect of Survey No.441 without any notice to the petitioner.
3. The learned Standing Counsel for the 3rd respondent submits that the survey has been conducted after issuing notice to all the concerned and the petitioner has himself filed a copy of the survey report at page No.22 of the writ papers.
4. It is also submitted that the unofficial respondents herein had approached this Court in W.P.No.24060 of 2020 and the Hon'ble Court directed the official respondents to take action in accordance with law after considering the representations of the petitioners therein.
5. However, after going through the said order of the Hon'ble Court, it is noticed that this Court had directed the official respondents to take action strictly in

accordance with law duly putting the parties on notice and affording them an opportunity of hearing.

6. On going through the impugned letter, it is noticed that the petitioner has not been given any show-cause notice before directing the petitioner to remove the structures to an extent of 33.73 square yards in Survey No.441. Even if the survey is conducted in the presence of the petitioner, the petitioner is entitled to challenge the same and the respondents are required to put the petitioner on notice with regard to the findings in the survey report before taking any coercive steps.

7. In view thereof, the impugned letter dated 12.05.2022 is set aside and respondent No.3 is directed to put the petitioner on notice with regard to the survey report and after considering the submissions of the petitioner pursuant to the notice, the official respondents shall take action in accordance with law. The entire exercise shall be completed within a period of thirty (30) days from the date of receipt of a copy of this order and till such time, no coercive action shall be taken by the official respondents.

8. The Writ Petition is accordingly disposed of at the admission stage with the consent of both the parties.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.