
(2021) 08 TEL CK 0072
In the Telangana High Court
Case No : Writ Petition No. 18922 Of 2021

Ravoori Ramesh

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 27-08-2021

Acts Referred:

Constitution Of India, 1950 — Article 300A

Citation : (2021) 08 TEL CK 0072

Hon'ble Judges : P.Naveen Rao, J

Bench : Single Bench

Advocate : Kowturu Pavan Kumar

Final Decision : Disposed Of

Judgement

1. This writ petition is filed praying to grant the following relief:

"...to issue writ or direction preferably Writ of Mandamus declaring the action of the Respondent Nos. 2 to 4 and their subordinates in trying to demolish Petitioners house bearing No 2-10- 294/1 Waddepally, Hanamkonda, Warangal District, without issuing any notice without conducting enquiry and without following due process under law as illegal, arbitrary, violative of principles of natural justice, violative of earlier order of this Honble Court and violative of Article 300-A of Constitution of India and consequently direct the Respondent Nos. 2 to 4 not to demolish the house of the Petitioner in any manner and pass.."

2. Heard Sri Rapolu Bhaskar, learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and learned Standing Counsel for Greater Warangal Municipal Corporation.

3. Petitioner claims to be the owner of house bearing No.2-10-294/1, comprising of 327.22 Sq.yards, in Waddepally, Hanamkonda, Warangal District. According to petitioner, his mother obtained building permission on 18.08.2001, constructed residential building and his family is living in the said house. He further submits that earlier an attempt was made by the Tahsildar to demolish the structures in

the said house plot. Aggrieved thereby, he filed W.P.No.14521 of 2015. When the writ petition was taken up for consideration, the Court was informed that the Tahsildar, Hanmakonda, found that compound wall of the petitioner's house was constructed by encroaching into nala but not the entire house property and therefore, what was sought to be removed was only the compound wall. The statement on behalf of the Tahsildar and the statement of the Standing Counsel were recorded and the writ petition was accordingly disposed of, directing the respondents not to take steps for demolition of the petitioner's house. That being so, petitioner now alleges that respondents are again trying to demolish the entire building. In support of his contention, that the respondent authorities are demolishing the building of the petitioner without following due process, he placed reliance on markings put up on the house property of the petitioner, as the prelude to undertake demolition and going by the markings, the entire house is sought to be demolished.

4. On instructions, learned Assistant Government Pleader, submits that on verification of contours and flow of the existing nala record, it was found that the entire house constructed by the petitioner is by encroaching into the nala bed and therefore, steps have been taken to demolish all structures which are constructed by encroaching into nala bed and in the said process, certain markings were made. Further, so far, no decision is taken to demolish and the revenue authorities will follow due process before taking any coercive action against the petitioner and mere marking cannot give rise to an apprehension to institute writ petition.

5. Learned Standing Counsel, submits that on verification of the records of the Greater Warangal Municipal Corporation, it was found that no building permission was granted to petitioner and therefore, the entire construction was illegally made.

6. The Court is not expressing any opinion on the respective submissions. As fairly submitted by learned Assistant Government Pleader, the respondent authorities are required to follow due process before taking coercive action and seeking to demolish the structures already existing on the premises bearing house No.2-10-294/1 of Waddepally, Hanamkonda, Warangal District, and shall take coercive action against the petitioner only after following due process. It is open to the Tahsildar to ascertain information from the Greater Warangal Municipal Corporation on the issue whether building permission was granted and if granted, what was the extent of permission granted. If a notice is issued to the petitioner, he shall respond to the notice within the time stipulated therein from the date of service of notice and shall also file relevant record in support of his claim. On due consideration of the explanation offered by the petitioner, further steps shall be taken. The Writ Petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed.