

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND EIGHT

PRESENT

THE HON'BLE SRI JUSTICE V.V.S.RAO
WRIT PETITION No.1432 of 2002

Between:

Mohammed Khaja, S/o. Late Shaik Hyder,
R/o. 2-4-255/A/1, at Present R/o. 82/I Class, Nehru Nagar,
Kachiguda, Hyderabad-27.

..... PETITIONER

AND

- 1 Competent Authority for South & Central Division, A.P. Housing Board,
Gruhakalpa, Hyderabad.
- 2 A.P. Housing Board, Rep.by its Vice-Chairman/Secretary,
Gruhakalpa, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari Calling for the records regarding the Judgment dt. 2-9-2002 in C.M.A. No. 182/2002 and may be pleased to quash the same by issuing writ certiorari declaring the same as arbitrary, against the Provisions of law and principles of natural Justice and equity and pass any other writ or direction which this High court deems just and proper under the circumstances of this case.

Counsel for the Petitioner: MS.A.PULLA REDDY & ABHISHEK REDDY

Counsel for the Respondents: SRI J.PRABHAKAR

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO
WRIT PETITION No.1432 of 2002

ORDER:

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The petitioner was in possession of a piece of land admeasuring 244 square yards situated backside to Kachiguda Railway Station, Hyderabad. When there was objection he filed O.S.No.2860 of 1983 on the file of the Court of the IX Junior Civil Judge, City Civil Court, Hyderabad, against Andhra Pradesh Housing Board (APHB) and obtained injunction. The said suit was ultimately dismissed. Therefore, APHB initiated action under Section 52 of the Andhra Pradesh Housing Board Act, 1956 (the Act, for brevity), for eviction of the petitioner. After issuing notice, first respondent passed orders on 08.08.2002 ordering eviction of the petitioner. While doing so, first respondent repealed contention of the petitioner that Government land does not belong to APHB. Aggrieved by the order of the competent authority petitioner preferred C.M.A.No.182 of 2002 under Section 55(1) of the Act. Learned Chief Judge, City Civil Court, Hyderabad, dismissed the same by impugned order dated 02.09.2002. Aggrieved by the same, the petitioner filed the present writ petition in November 2002. However, the matter was listed before this Court on 27.01.2003 when the writ petition was admitted and *status quo* order was passed.

In the counter affidavit filed by the Secretary of APHB the allegations of the petitioner that APHB is not owner of the land is denied. While admitting the proceedings initiated under Sections 52 and 53 of the Act and the appeal thereafter, it is stated that pursuant to the orders passed by the competent authority as well as the appellate authority, the petitioner was evicted on 20.08.2002 under panchanama. No reply affidavit is filed denying the counter averments.

In view of the counter averments the petitioner was already evicted before filing the writ petition. Secondly, the original authority as well as the appellate authority considered the record and found that the petitioner is in illegal occupation of the Housing Board land. In that view of the matter, no interference is called for.

The Writ Petition is, therefore, dismissed. No costs.

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(V.V.S.RAO, J)

23.09.2008

vs

To

- 1 Competent Authority for South & Central Division, A.P. Housing Board, Gruhakalpa, Hyderabad.
- 2 A.P. Housing Board, Rep.by its Vice-Chairman/Secretary, Gruhakalpa, Nampally, Hyderabad.

- 3 2CCs to
- 4 2CD copies

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