

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21889 of 2004

Between:

- 1 Vanathadupula Dubbaiah S/o Buchirajam
r/o H. No. 2-6-138, Srinivasa Road, Korutla Proper and mandal,
Karimngar District
- 2 Vanathadupula Shakara Vara Prasad S/o Dubbaiah
r/o H. No. 2-6-138, Srinivasa Road, Korutla Proper and mandal,
Karimngar District

..... PETITIONERS

AND

The Karatla Municipality, rep by Commissioner, Karatla Proper and Mandal,
Karimnagar district

.....RESPONDENT

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 an order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ declaring the action of the respondent authority in coming to the spot and informing the petitioners that they are going to demolish the compound wall which is being constructed in the land of the petitioners land admeasuring 8 guntas in Sy.No. 88 in the limits of Korutla Municipality and the threatening to dispossess the petitioners from the said land, as arbitrary, illegal, null and void consequently direct the respondent authority not to demolish any portion of the compound wall in land admeasuring 8 guntas in Sy. No. 88 situated with in the limits of Korutla Municipality and not to dispossess the petitioners from the said land except due process of law and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.K.VENU MADHAV

Counsel for the Respondent : MR.R.TIMMA REDDY

The Court made the following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21889 of 2004

ORDER:

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The only grievance of the petitioners is that when they started construction of compound wall in their vacant land admeasuring 8 guntas in Sy.No.88 of Korutla, Karimnagar District, the respondent is interfering with the construction and threatening to demolish the same.

Heard the learned Counsel for the petitioners and Sri R.Thimma Reddy, learned Standing Counsel for the respondent.

Even according to the petitioners, they have not obtained necessary permission from the respondent-municipality for construction of the compound wall. The learned Standing Counsel for the respondent submits that one has to obtain necessary permission from the municipality even for construction of compound wall around open site.

In the aforementioned circumstances, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioners are directed to file an application before the respondent

seeking permission to construct compound wall, within a period of two weeks from the date of receipt of a copy of this order. On such application being filed, the respondent shall pass appropriate orders in accordance with law. Till such time, both the parties shall maintain status quo obtaining as on today. The petitioners shall not make any further constructions. In the event, the application of the petitioners is rejected, the respondent can proceed further to remove the construction made by the petitioners.

The writ petition is accordingly disposed of. No costs.

N.V.RAMANA, J

30TH NOVEMBER, 2004

Gsn.

To

1.The Commisioner, Karatla Municipality, , Karatla proper and Mandal, Karimnagar district.

2.Two CD copies.

THE HONOURABLE SRI JUSTICE N.V.RAMANA

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W.P.No.21889 of 2004

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