

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

MONDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD



WRIT PETITION NO: 23538 OF 2015

Between:

1. M. Nagaraj, S/o Lingaiah aged about 42 yrs. Shop.No.33, Hotel, Near Nala, J.B.S. Out Gate Picket Secunderabad.
2. K. Dhanalaxmi, W/o K. Shankar aged about 40 yrs. Shop.No.5 Near Nala, J.B.S. Out Gate, Picket Secunderabad.
3. K. Shanthi Sree, D/o K. Satyanarayana Shop.No.4, Juice centre Nala, J.B.S., Oute Gate :Picket
4. S. Aruna, W/o S. Suresh aged about 40 yrs. Sugar Cane shop.No. 1, Sugar Cane Near Nala, J.B.S. Out Gate Picket Secunderabad.
5. K. Shankar, S/o Yellaiah aged about 56 years Shop.No.6, Cool drinks J.B.S., Nala, J.B.S. Out Gate Picket Secunderabad.
6. M. Narsinga Rao, S/o M. Lingaiah Shopl. No.32, Tiffin Center Nala, J.B.S. Out Gate Picket Secunderabad.
7. M. Laxmi, W/o Nagaraju aged about 37 years Shop.No.31, Foot Wear Nala, J.B.S. Out Gate Picket Secunderabad.
8. K. Krishna, W/o K. Mallaiah aged about 42 Shop.No.2, Oil Shop Nala, J.B.S. Out Gate Picket Secunderabad.
9. M. Pradeep, S/o M. Kumar Shop.No. Tiffin Center Nala, J.B.S. Out Gate Picket Secunderabad

..... Petitioners

AND

1. Executive Officer, Cantonment Board Secunderabad,
2. Executive Engineer, Cantonment Board, Secunderabad.
3. Assistant Engineer Cantonment Board, Secunderabad
4. Sanitary Superintendent, Cantonment Board Secunderabad.
5. Government of India, Defence Ministry, South Block, New Delhi, Rep. By its Secretary

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court may pleased to issue a writ order or direction more particularly in the nature of writ of mandamus declaring the illegal action of the respondents planning/taking steps to demolish or remove putty shops belonging to the petitioners at survey No.G.L.R.487/C Near Nala, of J.B.S., Picket, Secunderabad without due process of law amounts to denial of livelihood In the petitioners is illegal arbitrary and violation of principles of natural Justice. Article 14,19 and 21 of Indian Constitution and consequently direct the respondents not to dispossess or remove the petitioners from the shops till disposal of the representations/applications for grant of lease or permission to the land in survey No.G.L.R.487/C Near Nala, of J.B.S., Picket, Secunderabad;

W.P.M.P. NO: 30511 OF 2015

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 not to interfere or dispossess petitioners from the shops survey No.G.L.R.487/C Near Nala, J.B.S., Picket, Secunderabad, pending disposal of Writ Petition No. 23538 of 2015, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order, dated 30.07.2015 made herein and upon hearing the arguments of SRI.KOONA REDDY ANJI REDDY, Advocate for the Petitioner, SRI.K.R.KOTESWERA RAO(SR SC FOR CANTONMENT), i.e., Respondent Nos.1 to 4 and of Smt.S.Siva Kumari, learned Assistant Solicitor General for Respondent No.5, Court made the following.

ORDER:

It is the case of the petitioners that they are in occupation of the subject land and the respondents are interfering.

2. Per contra, the case of the Cantonment Board, Secunderabad is that the petitioners are not in possession of the subject land and the Cantonment Board, Secunderabad is the owner of the said Board. Further, the Cantonment Board, Secunderabad is ready to lease the subject land in favour of the persons interested for erecting hoarding and making publicity. By an interim order dated:31.7.2015 granted in W.P.M.P.No.30511 of 2015, this Court ordered both the parties to maintain status quo existing as on that day. The Cantonment Board, Secunderabad apprehends that by virtue of the said interim order, they are not supposed to make any erection of hoardings.

3. Having regard to the facts and circumstances of the case, this Court modifies the interim order dated:31.7.2015 granted in W.P.M.P.No.30511 of 2015 and further makes it clear that the Cantonment Board, Secunderabad is at liberty to go ahead with erecting of hoardings and further provide them for publicity.

//TRUE COPY//

SD/- M. MANJULA
ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To

1. The Executive Officer, Cantonment Board Secunderabad,
2. The Executive Engineer, Cantonment Board, Secunderabad.
3. The Assistant Engineer Cantonment Board, Secunderabad
4. The Sanitary Superintendent, Cantonment Board Secunderabad.
5. The Secretary, Government of India, Defence Ministry, South Block, New Delhi.(Addressees 1 to 5 BY RPAD)
6. One CC to SRI.KOONA REDDY ANJI REDDY, Advocate (OPUC)
7. One CC to SRI.K.R.KOTESWERA RAO, (SC) (OPUC)
8. One CC to Smt.S.Siva Kumari, (Asst.Sol.Genl.)(OPUC)
9. One Spare Copy.

SRL

HIGH COURT

TA,J

DATE: 19.12.2018

ORDER

W.P.NO. 23538 OF 2015

DIRECTION

