

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.36056 OF 2015

DATED:10-12-2015

Between:

Mr. T. Anil Kumar ... Petitioner

And

The Principal Secretary
Municipal Administration
Government of Telangana
Secretariat
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: None appeared

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal
Administration

(TS)

COUNSEL FOR RESPONDENT NOs.2 and 3: Mr. Sampath
Prabhakar Reddy

COUNSEL FOR RESPONDENT NO.4: Mr. V. Venkata Mayur

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed with the grievance that respondent Nos.2 and 3 have not been taking any action against respondent No.4 despite her encroaching road margin and constructing house thereon.

By order dt.5.11.2015 this Court directed respondent Nos.2 and 3 to file the approved layout copy of the area in which respondent No.4 has raised construction, which *prima facie* appeared to be on the substantial road portion and also explain why respondent No.4 was not prevented from raising such construction at the time of construction itself.

On behalf of respondent Nos.2 and 3, the latter has filed a counter affidavit wherein it is *inter alia* stated that on the representation of the petitioner made on 11.09.2015 the Corporation has initiated action against the construction raised by respondent No.4 by issuing notices under Sections 452, 461 and 636 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act'), that the houses of the petitioner and also of respondent No.4 are not covered by any approved layout and that the same are situated in an area predominantly covered by houses of the people belonging to below poverty line and due to lack of approved layout, respondent No.2 is not in a position to ascertain the width of the road in the said area. That the roads in the area are not in regular/straight pattern and are varying between 10 to 20 feet without any consistency, that as per physical verification of respondent No.4's site, it is found that her house is abutting 20 feet wide road which is tallying with the registered document, and that as respondent No.4 has not submitted any reply to the notices issued under Sections 452(1) and (2) of the Act, a notice

under Section 636 of the Act, dt.12.11.2015 (wrongly mentioned as 2.11.2015) was served on 13.11.2015 and the house was demolished.

At the hearing, Mr. V. Venkata Mayur, learned counsel for respondent No.4, submitted that the petitioner has suppressed the fact that he has himself constructed his house in alignment of his client's house, which necessarily means that he has also constructed on road margin. He has filed photographs in support of his submission, a perusal of which appears to support the above submission of the learned counsel. Learned counsel for the petitioner is not present at the hearing. As respondent Nos.2 and 3 have already demolished the structure raised by respondent No.4, no further adjudication of this writ petition is necessary. However, respondent Nos.2 and 3 shall examine whether the petitioner has also occupied the road and, if so, they shall initiate immediate steps for removal of the same by issuing notices under Sections 452 and 636 of the Act.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.46372 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

10-12-2015

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