

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.6264 of 2009**

**Date: 18-08-2015**

Between:

G. Lakshminarasimha Murthy

.... Petitioner

AND

The Government of Andhra Pradesh, represented  
By its Principal Secretary, Municipal Administration  
Department, Secretariat, Hyderabad and 2 others

.... Respondents

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.6264 of 2009**

**ORDER:**

This writ petition is filed for a mandamus declaring the action of the respondents in not taking action in respect of irregularities committed in formation of road work in Phase-I and II of Prudential Bank Colony, Subashnagar, Trimulgherry, Secunderabad without rolling by increasing the height of the road to cause inconvenience and causing loss to the petitioner and others at the instance of municipal employees in spite of petitioner's representation dated 27-10-2008 and legal notice dated 27-12-2008 as illegal and arbitrary and for a consequential direction to the respondents to level the road in question as per the specifications of the municipal directions to avoid submerging of petitioner's house.

2. The main grievance of the petitioner is that by virtue of laying a road in front of the petitioner's house at a height, the

petitioner is facing problems to come to the road by formation of steps from his house and the same is causing submerging the house of the petitioner during rainy season and if such illegal increase of road without following specifications is allowed to continue, the entire locality is being submerged. The said aspect was brought to the notice of the respondent authorities by a written representation dated 27-10-2008 and also through a legal notice dated 27-12-2008 and the same was received by the respondents on 31-12-2008. The respondent authorities, having received the same, did not take any action to protect the interest of the locality of the people. It is further alleged that the said action of laying the road is at the instance of municipal officials for boring grudge against the petitioner as the petitioner is questioning the arbitrary formation of the road work in such connection and that the municipal authorities highhandedly and intentionally increased the road level in particular area in question. The said increase of road is without following the specifications of the Municipality and the guidelines of the Municipality. Aggrieved by the same, the present writ petition has been filed.

3. The 3<sup>rd</sup> respondent filed his counter denying the allegations of the petitioner and contending that the petitioner has constructed his house in the year 1988 without obtaining approved layout plan from the competent authority and for that reason there was no pucca road in the colony and the road in front of the petitioner's house was kacha road and the petitioner's plot/house situated at the far end of the colony and he constructed his house taking into consideration the existing height of the kacha road. It is stated that the petitioner has requested the 3<sup>rd</sup> respondent to lay the C.C. road in front of his house and pursuant to the same, with an intention to develop the existing kacha road in the colony, the

3<sup>rd</sup> respondent has got sanctioned the estimate for an amount of Rs.10.00 lakhs for laying a CC road in Prudential Bank Colony Phase-II by way of inviting tenders and after finalization of the tendering process the road work was taken up and as per the road levels, the road was laid technically and as per the standard specifications and from the petitioner's gate to C.C. road the height is 11" (right side) and 7" (left side) and an average it becomes 9" height. In order to have easy access to the road, the petitioner has constructed the ramp from his gate to CC road due to which the rain water is not flowing into the gate and also at present the rain water is flowing from in front of the petitioner's house towards the downwards to Prudential Bank colony, Phase-I to Naala and there is no scope of submerging the petitioner's house. Previously, there were no pucca roads in Prudential Bank Colony Phase-I and Phase-II and as per the representations made by the colony people, the 3<sup>rd</sup> respondent has laid all the roads as per the required standard specifications.

4. It is to be noted that whether the roads have to be laid at what height and whether there is any submergence of the houses of the locality are the factual aspects, which can be dealt with by the concerned Technical Experts. Since it is stated that after following the specifications, the C.C. road was laid as per the standard specifications, this court cannot go into that aspect in exercise of power of judicial review under Article 226 of the Constitution of India, and hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**A. RAJASHEKER REDDY, J**

Date: 20-08-2015

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