

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

Writ Petition No.34256 of 2015

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Dated 01st December, 2015

Between:

S.Murali and others

...Petitioners

And

The State of Andhra Pradesh, rep.by its Principal Secretary, Municipal
Administration Department, A.P.Secretariat, Hyderabad and another

...Respondents

Counsel for the petitioners: Sri Ch.C.Krishna Reddy

Counsel for respondent No.1: GP for Municipal Administration (AP)

Counsel for respondent No.2: Sri Md.Saleem

The Court made the following:

ORDER:

The petitioners, who have admittedly occupied the road margin vested in respondent No.2, filed this writ petition with the grievance that the said respondent

has been trying to evict them without following the procedure under Section 192 of the A.P.Municipalities Act, 1965 (for short 'the Act').

The Commissioner of respondent No.2 filed a counter affidavit wherein he has *inter alia* stated that the petitioners were in possession of the land belonging to kolagani satram and that after their eviction from that place, they have occupied three feet road margin vested in respondent No.2 about a month back.

Section 192 of the Act envisages procedure for removal of the encroachments. In view of the admitted fact that the petitioners have encroached the road margin, it is incumbent upon respondent No.2 to follow the procedure under the said provision.

Accordingly, the writ petition is disposed of with the direction to respondent No.2 not to evict the petitioners without following the procedure prescribed under Section 192 of the Act.

As a sequel to disposal of the writ petition, WP.M.P.No.44063 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

01st December, 2015

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