

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.6704 of 2015

Date: 17-03-2015

Between:

Alluri Ramu

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Municipal Administration,
Secretariat, Hyderabad and another

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.6704 of 2015

ORDER:

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This writ petition is filed for a mandamus directing the 2nd respondent to withdraw the notice dated 19-02-2015 and to realign the programme with effecting the road widening on either sides and for a consequential direction to set aside the notice dated 19-02-2015 issued by the 2nd respondent.

2. The case of the petitioner is that he is absolute owner and possessor of the property admeasuring 125.33 square yards bearing Door No.4-150, GNT road, East Side, Mahadevayyanagar, Sullurpet Mandal, Nellore District having acquired the

same through a registered Gift Settlement deed dated 10-11-2005 by his mother and brothers together bearing document No.2378 of 2005. It is stated that the petitioner was issued a notice dated 19-02-2015 issued by the 2nd respondent alleging that the petitioner encroached the margin of the road and directed him to remove the encroachments failing which the 2nd respondent would remove the encroachment. It is also stated that even the notice does not show as to what extent of land the petitioner encroached upon the same. Aggrieved by the same, the present writ petition is filed.

3. Learned counsel for the petitioner submits the petitioner is in possession of the subject property and without issuing any prior notice, the 2nd respondent issued the impugned notice asking to remove the encroachment, which is in violation of principles of natural justice, and it is for the 2nd respondent to take decision accordingly.

4. Heard Sri M.D. Saleem, learned standing counsel for the 2nd respondent, who submits that the petitioner has constructed a house on the road margin, for which the impugned notice was issued.

5. Having regard to the facts and circumstances of the case, since the petitioner relied on the Gift Settlement deed dated 10-11-2005, it is for the petitioner to make a representation to the competent authority within a period of two weeks from today and on such representation being filed, the 2nd respondent may consider the same and take a decision thereon in accordance with law. Till such decision is taken by the 2nd respondent, status quo obtaining as on today shall be maintained. It is made clear that in case the petitioner does not make any representation ordered above, it is open for the 2nd respondent to proceed further as per law.

With the above observation, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 17-03-2015

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