

HONBLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40401 of 2015

Date:14.12.2015

Between:

Dr. D.Seshulatha,
W/o Dr. Sai Satyanarayana

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Municipal Admn.
Hyderabad and three others.

.....Respondents

Counsel for the Petitioner: Mr. Swaroop Oorilla

Counsel for Respondent No.1:GP for Municipal Admn. (AP)

Counsel for Respondent No.4: AGP for Revenue (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.2, in issuing notice, vide Rc.No.1906/2015/ACP-V, dated 14.10.2015, whereunder the petitioner was informed that an extent of 58.64 square meters of her property will get affected in the proposed widening of the existing road to 100 feet width in order to form a Master Plan Road from VSEZ Arch at NH-5 to ROB of Duvvada, as illegal and arbitrary.

A perusal of the impugned notice shows that it has required the petitioner to co-operate with respondent No.2 and give her consent for handing over the property for road widening, subject to the conditions which are mentioned therein. The petitioner claimed that as the existing road is of more than 100 feet width, she has made representations, dated 02.11.2015, 09.11.2015 and 26.11.2015, to respondent Nos.2 to 4 and that so far, the said respondents have not responded to the same. She has further pleaded that respondent Nos.2 to 4 have already made markings on her building and that there is a likelihood of forcible demolition of the building without her consent or without initiating the proceedings under the Land Acquisition Act.

Mr. S.Lakshmi Narayana Reddy, learned Standing Counsel for respondent No.2, while denying the plea of the petitioner that the existing road is of 100 feet width, however, submitted that the impugned notice has merely requested the petitioner to co-operate for road widening and that if the latter does not co-operate, respondent No.2 will follow the procedure under Section-147 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

The question whether the width of the existing road is more than 100 feet in front of the petitioner's building or not need not be adjudicated at this stage as, no order or decision prejudicial to the interests of the petitioner has been passed or taken so far by the respondents.

As rightly submitted by the learned Standing Counsel, the impugned notice is in the nature of a mere request to the petitioner to co-operate for road widening. If the petitioner does not give her consent, the respondent is left with no option other than following the

procedure under Section-147 of the Act and in such event, the petitioner is entitled to question such proceedings.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.52158 of 2015 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*14th December, 2015
DR*