

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**TUESDAY, THE TWENTY NINTH DAY OF SEPTEMBER TWO THOUSAND
AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.31787 of 2015

Between:

Smt. Saroj WAghray,
W/o. R.L. Waghay,
Aged about 68 years,
Occ: Retired Employee,
R/o. Street No.III, H.No.3-6-387/1,
Himayathnagar, Hyderabad.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration and
Urban Development Department,
Secretariat, Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Alleging that the petitioner has encroached to the public lane and constructed compound wall, notice was issued by the 2nd respondent Municipal Corporation on 18.09.2015 directing the petitioner to submit approved plan of the premises bearing Municipal No.7-1-32/4/1, Leela Nagar, Ameerpet, Hyderabad, along with ownership documents. According to the petitioner, a detailed representation is submitted by her on 21.09.2015 and all the relevant documents in support of the claim of the petitioner are also furnished. But, so far, no orders are passed and on the contrary, the 2nd respondent Municipal Corporation is threatening to remove the compound wall. Aggrieved thereby, this writ petition is filed.

2. Admittedly, the impugned notice is issued based on the information available with the 2nd respondent Municipal Corporation calling upon the

petitioner to satisfy the respondent authorities that the compound wall is not in encroachment of the public lane and according to the petitioner, all the relevant documents along with the explanation are already submitted on 21.09.2015. If that is so, it cannot be said that the 2nd respondent Municipal Corporation would take action to demolish the compound wall without first passing appropriate orders, as warranted by law.

3. However, in view of the apprehension expressed by the petitioner, the Writ Petition is disposed of, directing the competent authority of the 2nd respondent Municipal Corporation to pass appropriate orders, as warranted by law, in pursuant to the impugned notice, dated 18.09.2015, after considering the explanation submitted by the petitioner on 21.09.2015 and until the orders are passed as directed above, no coercive action shall be taken against the petitioner. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 29th September, 2015

Note: Issue C.C. in two (2) days.

(B/o.)

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 29th September, 2015

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