

THE HON'BLE SRI JUSTICE A.V. SESA SAI

Writ Petition No.21027 of 2015

ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction, more particularly one in the nature of *Writ of Mandamus* direct the respondents not to demolish the petitioner premises bearing Nos.1-9-31/2/1 and 1-9-35/1 of Swastik Hospital, situated at near Old bus stand, Medak town under the guise of road widening by deviating the center point portion of old road without considering the representation dt.17.06.2015 and also orders of this Hon'ble Court made in W.P.No.3325/2002 dt.13.02.2008 and consequently declare the action of the respondents authorities in effecting excess road widening over and above earlier demarcated portion resulting demolition of petitioner premises without effecting other side portion of the road as illegal, arbitrary and violation of Art.300-A of Constitution of India, and pass such other and further orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Raj Kumar Rudra, learned counsel for the petitioner, learned Government Pleader for Roads and Buildings, for respondents 1 to 3, and Sri N. Praveen Kumar, learned counsel for respondent No.4.

According to the petitioner, she along with her husband jointly purchased the premises bearing Nos.1-9-31/2/A and 1-9-35/1 of Swastik Hospital, Near Old Bus Stand, Medak town, by way of three separate registered sale deeds, in the year 2000. Earlier when there

was threat of demolition of the structures, for the purpose of road widening, she along with another filed W.P.No.3325 of 2002, and this Court initially granted interim order in W.P.M.P.No.4090 of 2002 on 27-02-2002, and subsequently, the said writ petition was disposed of on 13-02-2008. The operative portion of the said order reads as under:

“...I find the request of the learned counsel reasonable and I accordingly dispose of the writ petition in the following terms:

1. The petitioners are permitted to make a representation to respondent No.4 within a period of three weeks from the date of receipt of a copy of this order.
2. On such representation being made, respondent No.4 shall dispose of the same after giving an opportunity of personal hearing to the petitioner within a period of four weeks thereafter.
3. Till then the buildings in question shall not be demolished.”

The case of the petitioner herein is that after receipt of the above said order, she approached the 4th respondent-Commissioner, Municipal Council, Medak, who assured that no demolition would take place in future.

Learned counsel for the petitioner submits that once again there is a proposal for widening of the road, and the authorities came to the premises of the petitioner and marked the structures for demolition of the building, without taking correct measurements from the center point of the road. He further submits that the petitioner made a written representation dated 17-06-2015 to the respondents herein, pointing out the said deviations and that no action is taken so far on the representation. In the above background, apprehending the demolition of the structures of the petitioner herein, the present writ

petition is filed.

As per the material available before this Court, the petitioner along with her husband submitted a representation dated 17-06-2015 before the respondents 3 and 4, and that the same has not been addressed so far, by the respondents.

In the facts and circumstances of the case, and having regard to the nature of controversy, this Court deems it appropriate to dispose of the writ petition by directing the respondents herein to consider the representation of the petitioner dated 17-06-2015, before proceeding further with the impugned alleged action.

For the aforesaid reasons, the writ petition is disposed of, directing the respondents 3 and 4 to consider the representation of the petitioner dated 17-06-2015, and pass appropriate orders in accordance with law, before proceeding further, with the process of widening of the road.

There shall be no order as to costs.

The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of.

A.V. SESA SAI, J.

Dt.09-07-2015.

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