

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.16057 of 2014

Date: 22-01-2015

Between:

Dr. M. Venkatesh

.. Petitioner

AND

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

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.16057 of 2014

ORDER:

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The writ petition is filed for a mandamus declaring the notice in Letter No.708/RW/W-6/TPS/C-18/NZ/GHMC/2014, dated 03-05-2014 issued by the 2nd respondent directing the petitioner to hand over possession of the affected portion of an extent of 444.10 square meters/532 square yards from the property bearing No.6-2-20, situated at Bhoiguda, Secunderabad for road widening as illegal and arbitrary and for a consequential direction to set aside the same.

2. The case of the petitioner is that he purchased the property admeasuring 532 square yards, bearing No.6-2-20, situated at Bhoiguda, Secunderabad vide registered sale deed bearing No.851 of 1994 and he is in peaceful possession and enjoyment of the same. Surprisingly, the petitioner was issued a notice dated 03-05-2014 directing him to hand over possession of the affected portion of the subject property and that the 2nd respondent, without conducting any

enquiry or calling for any objections, erroneously issued the impugned notice. Aggrieved by the said action, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Smt. A. Deepthi, learned standing counsel for the 2nd respondent.

4. Though the impugned letter is termed as notice, the petitioner was requested to hand over advance possession of the affected area under road widening to GHMC, but the petitioner being aged about 76 years is under the apprehension of threat of eviction, filed the present writ petition. The impugned notice only requests the petitioner to hand over advance possession of the affected area of the subject property in lieu of which some benefits are given by GHMC. However, if the petitioner is not interested in getting such benefits, he can file his objections against the impugned notice before the 2nd respondent and it is for the 2nd respondent to consider his objections and take appropriate action thereon, as expeditiously as possible, preferably within a period of two (2) weeks from the date of receipt of a copy of the order. However, the petitioner shall not be evicted without following due process of law, if he does not consent for surrendering the property affected in road widening.

With the above observation, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 22-01-2015

Ksn