

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

WRIT PETITION No.25625 of 2015

Between:

K. Eshwaramma, W/o. K. Ramana Reddy,
Aged 55 years, Occ: Household,
R/o. 10-2-64/1, O.V. Road, Kandukur,
Prakasham District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Municipal Administration Department,
Andhra Pradesh Secretariat, Hyderabad & another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25625 of 2015

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ORDER:

The petitioner claims to be the owner and in possession of land to an extent of Ac. 0.11 cents in Survey No.609/2B, Kandukur, Prakasam District, which she claimed to have purchased in the year 1982 vide registered Sale Deed bearing Document No.1198 of 1982, dated 26.06.1982. The petitioner has constructed a house and shops and lives in the same premises. According to the petitioner, earlier the 2nd respondent Municipality was trying to take compulsory possession of the property in the guise of widening of the road. However, when the petitioner filed W.P.No.16317 of 2015, the 2nd respondent Municipality stated that they are only trying to lay a blacktop on the existing road and there is no inclination to acquire or take possession and demolish the property of the petitioner. Recording the same, the writ petition was dismissed. While so, now the respondents have undertaken connecting two drainage lines one behind the house property and the other in front of the property through the open land owned by the petitioner adjacent to the shops, which is a triangular piece of plot between two roads. Learned counsel for the petitioner submits that such action is illegal as no drainage system can pass through private property without consent or without following the due process of law.

2. On instructions, the learned Standing Counsel for the 2nd respondent Municipality submits that the triangular piece of land, which the petitioner claims as her own is not private property. It is a public property and the petitioner is in illegal occupation. Having regard to such occupation, the 2nd respondent Municipality has requested the Tahsildar, Kandukur, Prakasam District, to conduct survey and submit a report. So far, no survey is conducted and the matter is in process. Only after the survey is conducted, if it is established that the property belongs to the 2nd respondent Municipality, then only the 2nd respondent Municipality will take appropriate further course of action regarding laying of the pipeline and if it is established that the petitioner owns the land, then only after following the due process, the said drainage system would be connected.

3. In view of the said submissions, the grievance of the petitioner stands attended to. It is needless to observe that while conducting the survey, notice be served on the petitioner and such survey should be conducted in her presence. It is also open to the petitioner to place before the surveying authority as well as the 2nd respondent Municipality the relevant records in support of her claim that the entire extent of land belongs to her and on submission of such material, the Municipal authority shall consider and pass appropriate orders, as warranted by law, before taking further steps regarding linking of drainage system.

4. With the above observations, the Writ Petition is disposed of. 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: 14th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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