

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION NO.25585 OF 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the action of respondents in seeking to demolish the petitioner's house bearing No.1-35 and cattle shed bearing No.1-34 of Cheelapur Village, Bejjanki Mandal, Karimnagar District, without issuing any notice and opportunity to the petitioner and without following due process of law, as illegal, arbitrary and violative of principles of natural justice and for a consequential direction to the respondents not to interfere with the possession or demolish the said property of the petitioner.

2. Heard the learned counsel for the petitioner, learned Government Pleader for Panchayat Raj (Telangana) appearing for respondents 1 and 2 and Sri G.Narender Reddy, learned Standing Counsel appearing for respondents 3 and 4.

3. The petitioner claims to be the owner of the above mentioned property. After the death of his father, the petitioner applied for mutation of his name in the Grampanchayat records, but the records are not updated.

4. The grievance of the petitioner is that the 4th respondent-Grampanchayat is proposing to widen the road in front of his house from the existing width of 18 feet to 25 feet and lay the cement road without following due process of law.

5. Learned counsel for the petitioner submits that marking was made on the property of the petitioner showing that 3 ½ feet of his property shall be affected in road widening; that no prior notice was issued to the petitioner before undertaking the widening of the road, which affects the house property of the petitioner; that no procedure as mandated by law is followed to take possession of the petitioner's property for the public purpose; and that such action of the respondents in seeking to demolish the compound wall of the petitioner even before proper procedure is followed is illegal.

6. Learned Standing Counsel appearing for respondents 3 and 4 submits that as

seen from the affidavit, filed in support of the writ petition, it appears that the road widening is only at the stage of marking to find out the extent of land to be acquired and that so far, no proceedings are initiated.

7. In the affidavit filed in support of the writ petition, the petitioner pleaded that the road in which his house is situated is only 18 feet, which is now proposed to be widened to 25 feet. If in the proposed widening of the said road the compound wall of the petitioner's house and any other construction made by the petitioner therein is likely to be affected, the respondents shall not resort to demolish the same without following the due procedure contemplated for acquisition of private land for public purpose.

8. With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P.NAVEEN RAO, J

Date: 13.08.2015

Note:

Issue c.c. by 14.08.2015.

B/o.

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

WRIT PETITION No.25585 of 2015

Between:

Koppurapu Raji Reddy ... Petitioner

and

The State of Telangana and three others

... Respondents

DATE OF JUDGEMENT PRONOUNCED: 13-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE P.NAVEEN RAO

1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? Yes/No

2. Whether the copies of judgment may be
marked to Law Reporters/Journals? Yes/No

3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? Yes/No