

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

WP.No.26104 of 2010

Between:

Biharilal Yadav

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... Petitioner/Appellant (s)

and

The Greater Hyderabad Municipal Corporation,
Rep. by its Commissioner, Tank Bund Road,
Hyderabad and three others.

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... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 11.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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

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THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26104 OF 2010

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ORDER:

This writ petition is filed stating that the 4th respondent has occupied the foot path and road margin adjacent to petitioner's shop No.4-5-28&28/1, Sultan Bazar, Koti, Hyderabad and also obstructing the ingress and egress to the petitioner's shop. As such, the petitioner submitted a representation before the respondent authorities for taking appropriate action. It is also

stated that when the father of the 4th respondent filed WP.No.4304 of 1993, this Court dismissed the same holding that the 4th respondent has no authority to occupy the roads. Thereafter, on 28.07.2010, the respondents removed all the encroachments made by various individuals on foot paths. But, again the 4th respondent encroached the foot path and road margin and erected iron rods with a concrete structure. Aggrieved by the inaction of the respondents in taking action against the 4th respondent, present writ petition is filed.

The respondent Corporation filed counter stating that earlier when the 4th respondent encroached the subject property, the respondent authorities removed the encroachments; and that in pursuance to the orders passed by this Court, Contempt Case is filed and this respondent filed counter in the Contempt Case stating that all the encroachments have been removed on the foot paths in the subject area from time to time.

The 4th respondent also filed counter stating that petitioner has no documentary evidence to show that the respondents have encroached the foot paths adjacent to the petitioner's property and also the subject property is a lease property allotted by the GHMC authorities.

In this case, in pursuance to the orders passed by this Court on 25.06.2014, the 4th respondent filed an application to set aside the order dated 25.06.2014 and the same was allowed.

Now it is an admitted fact that the writ petition filed by the 4th respondent in WP.No.4304 of 1993 was dismissed holding that

the petitioner, who is the 4th respondent herein, cannot squat on the roads and occupy the road margins. The encroachment of road margins and foot paths not only obstructs the ingress and egress to the adjacent shops but also causes inconvenience to the public and any person has no right to squat and occupy the foot paths causing obstruction to free flow of traffic. In view of the same, the 4th respondent cannot have any objection for removing the structures made on the foot paths. Even the municipalities cannot lease or grant any licence for occupying the road margins which causes great inconvenience to the public. Granting of trade licence does not mean that respondent can encroach the road margin and foot paths.

In view of the above, the 2nd respondent is directed to take necessary action on the representation of the petitioner for removal of encroachments, within a period of three weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

11.08.2015

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