

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40617 of 2015

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Date: 15.12.2015

Between:

K.Prakash Babu

.. Petitioner

and

The State of Telangana State Wakf Board
rep. by its Prl.Secretrary
Municipal Administration Dept.,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mr.D.L.Pandu

**Counsel for respondent No.1: AGP for Municipal
Administration (TS)**

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The Court made the following:

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Order:

Apprehending threat of removal of the construction raised by the petitioner over Plot No.310 (House bearing No.46-68) at Krishnadevaraya Nagar Colony, Wanaparthi Town, Mahabubnagar District, by respondent No.2, the petitioner filed this Writ Petition.

At the hearing, Mr.N.Praveen Kumar, learned Standing Counsel for Municipalities (AP), appearing for respondent No.2, on instructions, submitted that the Hon'ble Andhra Pradesh Lokayukta has passed an order on 30-09-2015 directing respondent No.2 to remove the encroachments over a portion of drainage in Wanaparthi Town and that in compliance thereof, respondent No.2 has initiated the process for removal of the encroachments. He has, however, fairly conceded that no notice as required under Section 192 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act'), has been issued to the petitioner.

In my opinion, while removal of encroachments over public streets, drainages *etc.*,

situated in a Municipality is laudable, nevertheless, the Municipality is bound to follow the procedure prescribed under the Act. Therefore, respondent No.2 shall issue notice under Section 192 of the Act to the petitioner and follow the procedure prescribed therein before removing the alleged encroachment.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.52452 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 15th December, 2015
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