

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36710 of 2015

Date: 14.12.2015

Between:

Vivekananda Nagar Colony Residents' Association,
Hyderabad, and another.

..... PETITIONER

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat, Hyderabad, and others.

.....RESPONDENTS

Counsel for the Petitioners: SRI VANAM VISHWANATHAM

Counsel for the Respondent No.1: AGP FOR MUNICIPAL

ADMINISTRATION (TS)

Counsel for the Respondent No.2: SRI PASHAM KRISHNA REDDY

LEARNED STANDING COUNSEL FOR GHMC

The Court made the following :

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ORDER:

This writ petition is filed alleging inaction on the part of respondent Nos.2 and 3 in taking appropriate steps for removal of encroachment of public road by respondent Nos.4 to 6.

On 12.11.2015, the case was adjourned to enable the learned Standing Counsel for respondent No.2 to get instructions.

Today, at the hearing, Sri Pasham Krishna Reddy, learned Standing Counsel for respondent No.2 submitted that as per his instructions, each plot owner of Vivekananda Nagar Colony has occupied part of the neighbour's plots, as a result of which, two persons, by name, Sham Sunder Reddy and Venkateshwar Rao have occupied the extent of land which was encroached by their neighbours over the public road.

A perusal of the record shows that on the representation of respondent No.2, respondent No.1 has addressed letter No.2239/M1/2013, dated 06.03.2013, wherein it is informed that he has already issued Memo No.2239/M1/2013, dated 04.02.2013 to respondent No.2 to examine and furnish its report and that a reminder was sent to respondent No.3 through Memo dated 06.03.2013. This letter would show that the issue of alleged encroachment of public road is engaging the attention of both respondent Nos.1 and 2, but no concrete action has been taken thereon.

In the above facts and circumstances of the case, respondent Nos.1 and 2 are directed to initiate appropriate steps for ascertaining whether the public road has been encroached either by respondent Nos.4 to 6, as alleged by the petitioners, or any other persons by getting survey conducted and the public road demarcated. They shall also take appropriate action for removal of the encroachments in the event the survey reveals that any of the individuals have occupied the public road, after following due process of law. This exercise shall be completed within four months from the date of receipt of this order.

Subject to the above direction, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.47283 of 2015 filed by the petitioners for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Date: 14.12.2015
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