

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3494 OF 2015

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ORDER :

This petition is filed for a writ of *Mandamus* declaring the action of the respondents in taking steps for construction of compound wall on the passage/road (Katikunikunta in W.No.13, Division No.3B of L.B.Nagar, Circle-3), which is proceeding through Champapet, Vyshalinagar and Raghavendranagar in Sy.Nos.145 & 146 of Kharmanghat Village of Saroornagar Mandal, Ranga Reddy District, as illegal and arbitrary and to set aside the Tender Notice issued by the respondents inviting tenders for construction of the compound wall and for a consequential direction to the respondents for laying of road on the above said passage forthwith.

The case of the petitioner is that he is the absolute owner of acres 2.26 guntas in Sy.No.145 & 146 of Kharmanghat Revenue Village of Saroornagar Mandal and adjacent to his land on the north side one lay out was executed by making plots named as Vyshalinagar and the said layout was also approved by the HUDA and permission granted by the then MCH on 22-08-1990. In the said layout it was clearly mentioned that 12 feet wide BT road should be formed in southern side i.e. in between the petitioner's land and the said colony land. It is also stated that there was already about 30 feet wide passage since more than 100 years. While so, in the month of November, 2014, the 3rd respondent conducted survey and as per their conversation, petitioner observed that they are going to raise a compound wall by covering

entire open land including the said passage. Immediately, petitioner submitted a representation dated 11-11-2014 to the 2nd respondent as well as to the Zonal Commissioner not to disturb the said road. The petitioner also submits that the colony roads are also linked with this passage and this passage also linked with old village Champapet, Raghavendranagar and Vyshalinagar. The petitioner further submits that he has also submitted a representation dated 13.11.2014 under Right to Information Act to the 2nd respondent to furnish the survey report which was conducted on 10.11.2014, but till today the same was not furnished. While so, when the respondents issued a tender notice for construction of compound at Katikonikunta in Ward No.13, Champapet Division No.3B of L.B.Nagar, Circle-III, GHMC, the petitioner approached the respondents and explained the difficulty, if the passage is closed. But since there was no response from the respondents, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Standing Counsel for respondent Corporation submits that they are only closing the open space shown in the lay out and also filed photographs to that effect.

Since the representation dated 11.11.2014 submitted by the petitioner requesting not to disturb the said passage and application dated 13.11.2014, submitted by the petitioner under Right to Information Act seeking information with regard to survey conducted on 10.11.2014, are pending before the 2nd respondent, the 2nd respondent is directed to consider and take a decision on the same by providing the necessary information as sought by the petitioner, as per law. Till then, *Stautus Quo*, obtaining as on today

shall be maintained by both the parties.

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

24.02.2014

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