

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

WRIT PETITION NO.23465 of 2015

Between :

Nalamala Tirupalu, S/o.Obaiah,
Aged about 66 yrs, R/o.1-48, Mulavari Street, Kasipeta,
Venkatagiri Town, SPSR Nellore District

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration &
Urban Development Department,
Secretariat, Hyderabad & another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 29.07.2015

-
SUBMITTED FOR APPROVAL:

-
-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
-

1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

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

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

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

-
-
WRIT PETITION No.23465 of 2015

ORDER :

Alleging that the petitioner was in unauthorized occupation of the public road margin and established a small outlet selling retail products, the petitioner was given notice on 16.07.2015 by the respondent-Municipality. Since no explanation was forthcoming from the petitioner, a final notice was issued on 24.07.2015. Challenging the said final notice, this writ petition is instituted.

2. Though several averments are made claiming as if the petitioner has established the small retail outlet only in a private property, and that regularly he is paying the municipal tax and electricity bills, no material is brought on record to show that a small shop is established by him in a private property and that, it is not a public road.

3. *Prima-facie*, a look at the photographs filed by the petitioner would show that the petitioner is in occupation of the road margin and such occupation appears to be without prior permission from the Municipality. In spite of granting sufficient opportunity also, the petitioner did not file any explanation explaining what is stated before this Court in the affidavit filed in support of this writ petition. Thus, I do not see any error in the proceedings initiated by the respondent-Municipality, to remove such illegal encroachment of the road.

4. At this stage, learned counsel for the petitioner submits that since the petitioner is an illiterate, and did not have sufficient time to respond, he may be given two days time from today to submit his explanation and on consideration of such explanation, appropriate orders be passed by the Municipality.

5. Having regard to the said submission, in order to give further opportunity, this Writ Petition is disposed of recording the statement of the learned counsel for the petitioner, that the petitioner would submit explanation within two days from today and if such explanation is filed within two days from today, the respondent-Municipality shall consider the same and pass appropriate orders as warranted by law, within one week thereafter. Till the orders are passed, the respondent-Municipality shall not take any coercive

steps against the petitioner. If the petitioner failed to file his explanation within two days, it is open to the Municipality to take action as warranted by law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

29th July, 2015.

Note : Issue C.C. by tomorrow.

B/o.

Rds