

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

Writ Petition No.38152 of 2015

Dated 24.11.2015

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Between:

G.Lalitha Kumari and another

... Petitioners

and

-

The State of Telangana

rep. by its Prl. Secretary (Municipal Administration)

Secretariat, Hyderabad and 4 others.

...Respondents

Counsel for the petitioners: Mr.P.Bhaskar

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

Counsel for respondent Nos.2 to 4: None appeared

The Court made the following:

Order:

The petitioners, who are residents of Goutham Nagar, Malkajgiri, have filed this Writ Petition with the allegation that respondent No.5 has encroached the road abutting their plots bearing Nos.535 and 536 on the northern side and been raising constructions.

A perusal of the record shows that a representation was made by petitioner No.1 on 21-09-2015 to respondent No.3 and that the latter has made an endorsement on 20-11-2015 directing the Assistant City Planner to inspect, take immediate action and submit the action taken report. Without waiting for further action, the petitioners have rushed to this Court a couple of days after the said endorsement was made by respondent No.3.

In my opinion, the Writ Petition is premature as respondent No.3 has initiated appropriate action *al beit* with some delay from the time of the petitioners making their representation.

The learned Standing Counsel for Greater Hyderabad Municipal Corporation assured that the respondents will take appropriate action in respect of the constructions being carried on by respondent No.5, if it is found that the latter has encroached the public street as alleged by the petitioners.

In the light of the above mentioned facts and the submissions of the learned Standing Counsel, the Writ Petition is disposed of, however, with liberty to the petitioners to avail a fresh legal remedy, in the event respondent No.3 does not take appropriate action as assured by the learned Standing Counsel.

As a sequel to disposal of the Writ Petition, WPMP.No.49101 of 2015, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 24th November, 2015

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