

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

WRIT PETITION NO.23370 of 2015

Between :

L. Shyam Sundar S/o.L.Ramaiah,
Age about 44 yrs, Occu : Private Employee,
R/o.H.No.2-7-1215,
Kanaka Durga Colony, Waddepally Village,
Hanamkonda, Warangal District - 506370

.. Petitioner

and

The State of Telangana,
Rep., by Principal Secretary
Municipal Department,
Secretariat Building, Hyderabad & another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 29.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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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

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ORDER :

The petitioner claims to be the owner of house bearing No.2-7-1215, Kanakadurga Colony, Waddepally, Hanamkonda. According to the petitioner a marking is made on the compound wall of the petitioner showing 4.3 feet and contends that this extent of property of the petitioner is sought to be removed by the Municipal Corporation, without following the due process which is illegal.

2. Learned counsel for the petitioner contends that similar marking is made on the other side of the road but without disturbing the owners of the properties on the other side of the road, only the petitioner is sought to be victimized and such action is arbitrary and illegal. In support of the said contention, that no action is proposed against the owners on the other side of the road, he has filed photographs showing construction of drainage system abutting the compound wall on the other side which would imply that there is no proposal to remove the compound wall of the opposite house.

3. On instructions, learned Standing counsel submits that when the corporation was taking steps to lay a drainage line, they have inspected the colony and having found that some of the residents of the colony have encroached into the public road and constructed the compound wall, to the extent of such encroachment marking is made on the compound wall and the owners were orally informed to remove the encroached portion voluntarily. She states that if the owners do not come voluntarily to remove the encroachments, appropriate procedure

as warranted by the provisions of the Hyderabad Municipal Corporation Act, 1955, would be followed to remove the encroachments.

4. In view of the statement made by the learned Standing counsel, the apprehension expressed by the petitioner that illegal encroachments as sought to be removed without due process is no more valid. Hence, the Writ Petition is disposed of granting liberty to the respondent-Corporation, to take appropriate steps against illegal encroachments of public road, if the same is found to be correct according to the Municipal records by putting the affected persons on notice and following due process. 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.
Rds