

THURSDAY, THE SECOND DAY OF JULY TWO THOUSAND AND FIFTEEN

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.19743 of 2015

Thoutam Laxminarayana,
S/o. Late Balaiah,
Aged 65 years, Occ: Retired Government Employee,
R/o. H.No.19-120, Ramnagar, Mancherial,
Adilabad District.

.. Petitioner

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration and Urban Development,
Secretariat, Hyderabad & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

With the consent of the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent, Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent and the learned Government Pleader for Revenue for the 3rd respondent, this writ petition is disposed of at the admission stage.

2. The petitioner contends that he owns land in Survey No.79/71 of Garmilla Village of Mancherial Mandal, Adilabad District. In order to develop the land, he has earmarked 20 feet road width and laid the road. Subsequently, the respondent Municipality laid full-fledged cement road. The petitioner alleges that without following the due process of law, the respondent Municipality wants to widen the road by encroaching into the private land owned by the petitioner. Hence, this writ petition.

3. Learned counsel for the petitioner contends that in fact, this was a private road laid by him on the extent of road width already earmarked in the layout. A cement road was already formed and if the respondent Municipality is in favour of widening the road, they should follow the due process, whereas without following due

process they are trying to encroach upon the land owned by the petitioner, which is *ex facie* illegal.

4. Learned Standing Counsel, on instructions, submits that there is no such encroachment as alleged, but the petitioner is trying to block the road by constructing a gate.

5. Having regard to the said submissions, the Writ Petition is disposed of directing the respondent Municipality to follow the due process of law, if the respondent Municipality is intending to widen the existing road and shall not encroach upon private land without following the due process. At the same time, the petitioner shall not obstruct the existing road or try to put up any gate to block the road, as this road is meant for use by all people living and who access this road for reaching to their destinations. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 2nd July, 2015

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