

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

WP No.24103 of 2015

Between:

Smt. Narreddy Prajavati

...Petitioner

And:

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

... Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

1. Whether Reporters of Local newspapers may Yes/No
 be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
 be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
 fair copy of the Judgment?

HON'BLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.24103 of 2015

ORDER:

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The petitioner claims to be the owner and possessor of the residential house municipal bearing No.10/185-2, Nabikota Street, Kadapa City. According to the petitioner, on 01.05.2015 the staff of the 2nd respondent along with the Contractor and his workers, encroached into her property illegally and destroyed the front portion of her house

site with the width of 1 ft. east to west to the length of 60.5 ft. from north to south and constructed open drainage channel in her absence without her consent or permission. On the said date, she was away from the town and when she came back, she was surprised and shocked of such illegal activity of the respondent-Corporation. On 08.05.2015, she got issued a legal notice through her counsel to the 2nd respondent-Corporation threatening to take serious action against the Corporation. Though the 2nd respondent received the notice, there was no response from the Corporation. Hence, the petitioner constrained to file the present writ petition.

2. As per the averments in the affidavit, the staff of the 2nd respondent-Corporation illegally destroyed the front portion of the petitioner's house site without prior notice or without following due process of law and constructed a drainage channel. If that is so, nothing prevented the petitioner in raising a grievance of the fact before the competent authority of the Municipal Corporation, instead of issuing a legal notice threatening serious action against the Corporation. It is well established that if the respondent-Corporation did not follow the due procedure, the petitioner can take proper course of action in accordance with rules.

3. It is fairly stated by the learned counsel for the petitioner that if the petitioner is given liberty to make a representation to the Respondent-Corporation ventilating her grievance against the alleged demolition of compound wall and encroachment in to the property of the petitioner by constructing a drainage channel, she will do so and the respondent-Corporation may be directed to consider and pass appropriate orders on the said representation as warranted by law.

4. Having regard to the facts and circumstances of the case, the petitioner is directed to make a representation to the respondent-Corporation and on such representation being made by the petitioner,

the 2nd respondent is directed to consider and pass appropriate orders thereon within three weeks thereafter and communicate the same to the petitioner. If the petitioner is aggrieved by any adverse decision or no decision is communicated to her, it is open to the petitioner to work out her grievance before the competent authority.

5. The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, in this writ petition, shall stand dismissed in consequence. No order as to costs.

P. NAVEEN RAO, J

Date: 03.08.2015
BSS

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Writ Petition No.24103 of 2015

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Date: 03.08.2015

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