

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

WRIT PETITION NO. 17736 of 2015

Between :

Mantha Ramachandra Rao
Aged about 87 yrs, R/o D No. 78-4-40,
Gandhipuram- Rajahmundry, E G district and another

.... Petitioners

And

The State of A P,
Rep by its Principal Secretary,
Municipal Admn & Urban Devp Dept,
Secretariat Hyderabad and others

.... Respondents

DATE OF JUDGMENT PRONOUNCED :20.7.2015

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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 may : / No
Be allowed to see the Judgments ? :

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

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

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 17736 of 2015

ORAL ORDER:

Petitioners claim to be owners of building bearing No. 78-4-40. Petitioners state that the said building and compound wall was constructed after obtaining due permissions from the then Nagar Panchayat as early as in the year 1975. The respondent corporation now seeks to demolish the compound wall and portion of the building. It is stated that respondent authorities have visited the premises on 16.6.2015 and on protest by the petitioners they left the place.

2. Heard the learned counsel for petitioners, learned Government Pleader for Municipal Administration and learned standing counsel for respondents 2 and 3 Mr. Ancha Panduranga Rao.

3. Learned counsel for petitioners submits that so far no notice was issued nor any opportunity was afforded to the petitioners and without following the due process of law, respondent corporation seeks to demolish the properties of the petitioners and same is illegal.

4. Learned standing counsel for municipal corporation on instructions submits that a survey was conducted and survey report indicates that petitioners is in unauthorized occupation of portion of the road but so far no action is initiated and respondent corporation is intending to issue a notice to petitioners.

5. If the respondent corporation is of the opinion that the petitioners are in unauthorized occupation of the public road, it shall cause notice with all details, give due opportunity to petitioners to submit their explanation and then take appropriate course of action as warranted by law. Without following due process of law no coercive steps should be taken.

6. Subject to above direction, writ petition is disposed of. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:20.7.2015

TVK

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 17736 of 2015

Date: 20.7.2015

