

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.1680 of 2016

21.01.2016

Between:

V.Narsi Reddy

.. Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.M.Ramachandra Rao

Counsel for respondent No.1: Government Pleader
for Municipal Administration and Urban Development (AP)

Counsel for respondent No.2: Assistant Government Pleader
for Revenue (AP)

Counsel for respondent No.3: --

The Court made the following:

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ORDER:

The action of respondent No.3 in proposing to remove the petitioner's shop bearing door No.20-38 situated at Gandhi Bazaar, Old Town, Anantapur, is assailed in this writ petition.

The petitioner pleaded that he is the owner of the aforesaid shop and been running business therein, that in pursuance of the proposals for road widening, the State Government has sanctioned funds and the officials of respondent No.3 visited Tilak Road and Gandhi bazaar for measurement of all the shops thereon for the purpose of road widening and that they are planning to demolish the petitioner's shop without following due process of law.

At the hearing, Mr.S.D.Goud, learned standing counsel for Municipal Corporations (AP) appearing for respondent No.3, submitted that as against the 40 feet width of Tilak Road and Gandhi Bazaar, the encroachers have occupied to an extent of 20 feet and raised constructions and that, in order to identify these encroachments, with a view to restore the public road, the staff of respondent No.3 have visited the site and taken the measurements. Though initially, he has advanced the submission that under Section 405 of the Greater Hyderabad Municipal Corporation Act, 1955, respondent No.3 is not under obligation to issue a notice before removing the alleged encroachments, he has, however, finally agreed that in the event, respondent No.3 finds that the existing Tilak Road and Gandhi bazaar road have been encroached by the petitioner or any one else, it will issue show cause notices to all of them and after considering their explanations, if any submitted, it will pass an appropriate orders before removing the alleged encroachments.

In the light of the above submissions of the learned standing counsel for respondent No.3, which are placed on record, no further adjudication of the Writ Petition is necessary and the same is

accordingly is disposed of.

As a sequel to disposal the writ petition, W.P.M.P.No.2109 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

21st January, 2016
GHN