

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

WRIT PETITION NO.31913 OF 2015

DATED:18-1-2016

Between:

K. Janardhan ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Municipal Administration and
Urban Development Department
Secretariat
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: M/s. Bharadwaj Associates

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal
Administration (TS)

COUNSEL FOR RESPONDENT NO.2: Mr. Y. Rama Rao, Standing
Counsel

for HMDA

COUNSEL FOR RESPONDENT NO.3: Mr. G. Narender Reddy

THE COURT MADE THE FOLLOWING:

ORDER:

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Notice bearing No.GPP/19/2015-16, dt.24.07.2015, whereby respondent No.3 has called upon the petitioner to remove the construction of compound-wall made by him by allegedly encroaching upon 30 feet wide road, is under challenge in this writ petition. The only ground on which the petitioner has questioned this notice is that when a similar notice was issued earlier, he has denied the allegation of encroachment and requested for survey and that without conducting any such survey, respondent No.3 has issued the impugned notice.

A detailed counter affidavit is filed by the Assistant Planning Officer-cum- in-charge Director-II, Hyderabad Metropolitan Development Authority, wherein it is *inter alia* sated that as the petitioner was found occupying 30 feet wide public road earmarked as per master plan, respondent No.2 has directed respondent No.3 to issue a notice and remove the construction.

As noted above, the grievance of the petitioner is that without conducting survey and demarcating the road portion, respondent Nos.2 and 3 unilaterally concluded that the petitioner has encroached upon the public road. Learned counsel for the petitioner submitted that his client has no objection for removal of the construction, if, upon survey and demarcation, it is found that he has made the construction by encroaching the public road.

In the light of these facts, this Court is of the opinion that it would be appropriate that a survey is conducted and the road is demarcated in the presence of the petitioner, before proceeding with further action by respondent Nos.2 and 3.

Accordingly, respondent Nos.2 and 3 are directed to cause survey of the 30 feet public road and the property over which the

petitioner has raised construction and demarcation of the same. After such survey, the said respondents shall furnish a copy of the survey report to the petitioner, and if the survey report reveals that the petitioner has encroached upon any part of the 30 feet road, respondent Nos.2 and 3 shall be free to remove the same after notice to the petitioner.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, interim order dt.07.10.2015 shall stand vacated and W.P.M.P. No.41239 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

18-01-2016

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