

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5240 of 2011

ORDER:

Petitioners pray for mandamus declaring the action of the respondents in proposing to close existing 40 feet width public road sanctioned in the revised master plan *vide* RP No.20/72 File No.3798/75/A6/NZB of the Director of Town Planning, Hyderabad and preventing petitioners and general public from using the sanctioned public road as illegal, arbitrary and unconstitutional.

On 04.03.2011, the following order was passed:

"The respondents shall not prevent the petitioners from using any road, which is shown in the master plan or revised master plan, as the case may be, that applies for the Nizamabad Town."

Counsel appearing for the parties, at the outset, submit that the respondents have not carried out the threatened act of either closing the subject 40 feet road or preventing the petitioners or general public from using the 40 feet road. On the other hand, it is stated that the construction of Medical College is over and now, to the West of the Medical College, 40 feet road sanctioned in RP.No.20/72 is kept intact.

The writ petition could be disposed of by making the interim order final order. However, learned counsel appearing for the

parties submit that under Section 15 of the Andhra Pradesh Town Planning Act, procedure for varying and revoking the revised master plan is contemplated and that the same shall be in accordance with law after putting on notice all the stake holders.

Learned Standing Counsel submits that Nizamabad Municipal Corporation is admitting the existence of subject road as approved in the revised layout. It is conscious of the statutory requirement while seeking to change the approved plan. It is stated as and when the circumstances demand or necessity arises, the procedure will be followed and a decision in accordance with law will be taken. The submission is placed on record.

The writ petition is accordingly disposed of by making the interim order final order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S.V.BHATT,J

Dt:01.09.2016

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