

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

WRIT PETITION No.19466 of 2016

ORDER:

-
Petitioners assail an order (undated) issued by 2nd respondent alleging that petitioners had constructed a compound wall by encroaching the road causing obstruction and inconvenience to the vehicular traffic and pedestrians and asking the petitioners to voluntarily remove the same within seven days.

2. Learned counsel for petitioners contended that the allegations made in the notice are not correct and without any prior notice to petitioners, straight-away an order directing the petitioners to remove the compound wall has been passed by 2nd respondent.

3. In my considered opinion, it is necessary for the 2nd respondent to have a joint survey conducted to determine whether the compound wall in question is in fact constructed by encroaching on the road as alleged by respondents or not, before taking any action under Section 406 of the Greater Hyderabad Municipal Corporation Act, 1955.

4. Therefore the 2nd respondent is directed to cause a joint survey after giving notice to petitioners and no action shall be taken to remove the compound wall

erected by petitioners till such a survey is done, copy of the survey report is furnished to petitioners, and the petitioners are given opportunity to raise objections to the said report, and until an order giving reasons is passed by 2nd respondent.

5. The Writ Petition is allowed as above. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 19-07-2016

Vsv/*