

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.2689 of 2016

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Date: 29.01.2016

Between:

Routhu Janardhana Rao

.. Petitioner

and

The State of Andhra Pradesh
rep. by its Principal Secretary
Municipal Administration Department
Hyderabad and 3 others

.. Respondents

Counsel for the petitioner : Mr.A.Rajendra Babu

**Counsel for respondent No.1: GP for Municipal
Administration**

Counsel for respondent No.3: GP for Revenue

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The Court made the following:

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Order:

This Writ Petition is filed to declare the action of respondent No.2, in attempting to construct an open drain through the petitioner's plot No.337 in TS.No.43/1, 2 and 3 and 44/3 of Tangellamudi, Eluru, West Godavari District, as illegal and arbitrary. The petitioner sought for a consequential direction to the said respondent not to construct the open drain through his property.

At the hearing, Mr.Anche Panduranga Rao, learned Standing Counsel for respondent No.2-Corporation, on instructions, submitted that so far, respondent No.2 has not started the actual process of construction of drainage; that the surveyor was only asked to demarcate the properties and that the officials of respondent No.2 were deputed for assessing the value of properties *etc.*, He has further submitted that before starting the actual work, respondent No.2 will initiate the proceedings under law for acquisition of the private properties.

Mr.A.Rajendra Babu, learned Counsel for the petitioner, has drawn this Court's attention to the photograph filed along with the Writ Petition and submitted that a part of the petitioner's plot has been excavated for starting drainage work.

Having regard to the grievance of the petitioner and in the light of the submissions made by the learned Standing Counsel for respondent No.2- Corporation, respondent Nos.2 and 4 are restrained from constructing open drain over the petitioner's plot No.337 situated in the above mentioned survey numbers without following the due process of law.

Subject to the above direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.3373 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th January, 2016
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