

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3480 of 2012

ORDER:

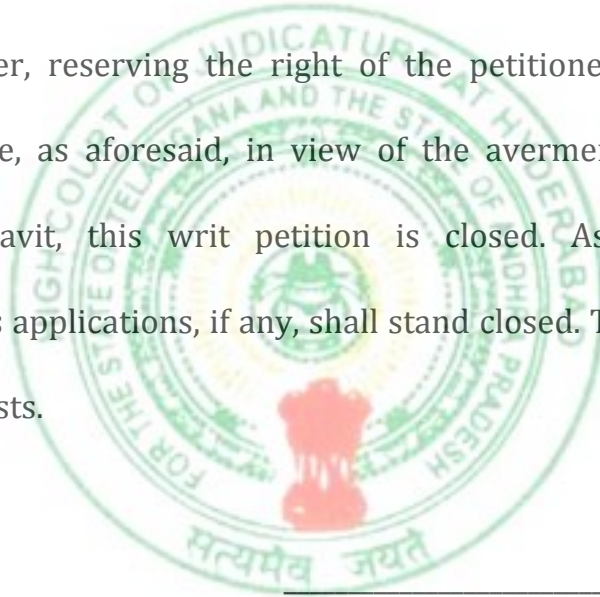
The petitioners claim that they are the absolute owners and possessors of house bearing Nos.4-1-43, 4-3-19, 4-3-18, 4-1-41 and 4-1-39 respectively situated in Municipal Ward No.7/A. When the respondent Corporation issued a notice in purported exercise of their power under Sections 405 and 406 of the Andhra Pradesh Hyderabad Municipalities Act, 1955 on 30.01.2012 in order to widen the road at Chittinagar junction, the present writ petition was filed.

This Court by order dated 09.02.2012 granted interim stay of all further proceedings pursuant to the notice dated 30.01.2012. Seeking vacation of the same WV MP No.2416 of 2015 along with the counter affidavit was filed by the respondent, but the said application was not taken for consideration and now the same is posted along with the main writ petition. It is stated in the counter affidavit that the notice was issued for removal of the construction raised by the petitioners in order to develop the Chittinagar junction by widening the road for implementation of the Zonal Development Plan and there is no such proposal to widen the road on the Western side which is leading to tunnel. It is also stated that in future if it is required to widen the road, the respondent Corporation would take steps for widening the said road for public purpose by following the procedure according to the law to acquire the necessary site. However, it is stated that the

Corporation is committed to remove the illegal encroachments of the road for the purpose of larger public expediency.

None appears for the respondent when the case is taken up for consideration. The learned counsel for the petitioner submits that in spite of the said averment in the counter affidavit the respondent unauthorisedly demolished a portion of the property on 25.01.2016 and for violation of the interim orders of this court the petitioner filed CC No. 191 of 2016 and the same is pending.

However, reserving the right of the petitioner to pursue the contempt case, as aforesaid, in view of the averments made in the counter affidavit, this writ petition is closed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.



JUSTICE A. RAMALINGESWARA RAO

November 15, 2016
LMV