

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 8647 of 2016

ORDER:

Sri V.Mallik, learned counsel for the petitioner,
and Sri Md.Saleem, learned Standing Counsel for the Guntakal Municipality,
are in agreement that the issue arising for consideration in this writ petition is
squarely covered by the decision rendered by this Court in W.P.No.1945 of
2016. A copy of the order dated 24.01.2016 passed in the said writ petition is
placed on record.

For reasons alike as were stated in the afore-stated order and in
terms thereof, the Writ petition is disposed of directing the Municipality to
cause a survey to be conducted and to demarcate the property in the
presence of the petitioner. After completion of such survey, if it is found that
the piece of property being used by respondent Nos.2 and 3 for laying a
drainage line belongs to the petitioner, the former shall not proceed with
further work either without obtaining the petitioner's consent or without
acquiring the land in accordance with law.

In a converse situation, respondent Nos.2 and 3 are entitled to proceed with
the further work of laying the drainage line.

If the petitioner disputes the survey report, in case it goes against him, he is
entitled to approach the competent civil Court for appropriate relief. Needless
to observe, till the demarcation process is completed, respondent Nos.2 and
3 shall not proceed with the further work of laying the drainage line.

Pending miscellaneous petitions, if any, shall also stand dismissed in
the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

March 17, 2016
Pgs/Lmv