

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 19849 of 2016

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Municipal Administration and Urban Development, Government Pleader for Revenue and Government Pleader for Home. With consent, the writ petition is taken up for disposal at the admission stage itself.

The present writ petition came to be filed with the following prayer:

“Issuance of writ of mandamus declaring the action of the respondents in not taking any action against the illegal encroachers, who encroached the 40’ public road of Friends Colony at Moosarambagh, Hyderabad and constructing a pucca building day and night openly and to the knowledge of the respondents, as illegal, arbitrary and contrary to the provisions of the Hyderabad Municipal Corporations Act, 1955; and consequently direct the respondents to remove the illegal constructions on the 40’ public road abutting to plot No.38.”

Learned counsel for the petitioner mainly submits that though the encroachments on 40’ public road were removed on 16.06.2016, the encroachers have again started raising small huts on the said public road.

Learned Standing Counsel for Corporation submits that there is no dispute with regard to the encroachment being made on the 40’ public road but the police are helping the encroachers and registering cases against the Municipal Authorities, when

they tried to remove the encroachers. If the encroachments on the 40' public road are found to be illegal the authorities shall take steps for removal of the same, as done earlier, in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent authorities to remove the illegal encroachments on the 40' public road abutting to plot No.38, situated at Friends Colony, Moosarambagh, Hyderabad, in accordance with law. It is needless to mention that the police shall, on requisition, provide necessary assistance for removal of un-authorised encroachments, which shall be in accordance with law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

21.06.2016

Note: Issue C.C. tomorrow.

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