

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40386 OF 2016

DATED : 22.11.2016

Between :

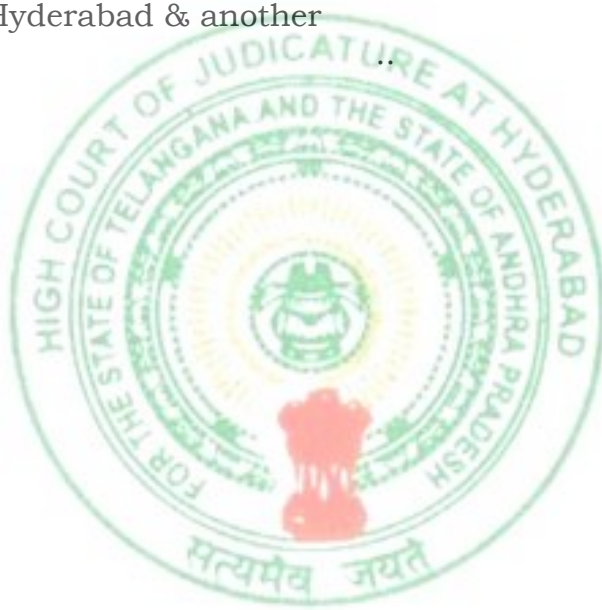
Mogilicherla Sudershan S/o.Rajaveeru,
Age 52 yrs, Occu : Agriculture,
R/o.H.No.16-4-480,
Shivanagar, Warangal.

Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration,
Secretariat, Hyderabad & another

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.40386 OF 2016****ORDER :**

Petitioner instituted this writ petition alleging that the respondent-Corporation is proposing to raise compound wall, gate and shed in his agricultural land in Sy.No.329 adjacent to Khammam Road.

2. Heard Sri M.Yeshwanth Kumar, learned counsel for the petitioner and learned Standing counsel for the 2nd respondent.

3. By placing reliance on a sketch drawn by the petitioner, learned counsel for the petitioner submits that by erecting a gate, the respondent-Corporation is trying to close the existing kutcha road, and if it is closed, petitioner has no other mode of entering into his property and therefore, such action is illegal.

4. No material is brought on record to show that actually such construction is being taken up on the petitioner's land. Petitioner has not even lodged protest on the alleged action of the respondent-Corporation and straight away this writ petition is instituted.

5. On perusal of the averments made in the affidavit filed in support of the writ petition, petitioner claims that the said land belongs to him, whereas, the Corporation is now undertaking construction of compound wall and erecting gate. In what circumstances, the Municipal Corporation has resorted to such action is not stated by the petitioner.

6. On instructions, learned Standing Counsel would submit that the said land is declared as an open space and in order to protect the public property, the compound wall and gate is being erected and that the Corporation is not obstructing any existing road.

7. Having regard to these facts, the Writ Petition is not maintainable and is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to complain to the Commissioner, if according to him, his property is being affected, without following the due process of law. As and when such complaint is made, the Commissioner, shall consider the same and pass appropriate orders, as warranted by law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

22nd November, 2016
Rds

P.NAVEEN RAO,J