

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2604 of 2016

Date:29.01.2016

Between:

Pendyala Ramesh,
S/o Rajamurali

..... Petitioner

And:

The State of Telangana,
reptd by its Principal Secretary,
Municipal Admn. & Urban Development
Department, Hyderabad and two others.

.....Respondents

Counsel for the Petitioner: Mr. Solomon Raju Manchala

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the inaction of respondent No.2, in considering the petitioner's representation, dated 08.9.2015, and legal notices, dated 26.12.2015 and 05.01.2016, for removal of the alleged illegal encroachment by respondent No.3 on the 9 feet wide way on the western side of the petitioner's house, as illegal and arbitrary.

The petitioner has pleaded that as per the sanctioned layout plan secured by respondent No.3, a 9 feet wide way is provided on the western side of his

house and that, as respondent No.3 has encroached upon the said way blocking the ingress and egress to his house, he has made a representation to respondent No.2 and that the latter has failed to take any action.

At the hearing, Mr. Solomon Raju Manchala, learned counsel for the petitioner, submitted that though a plea was raised by his client in the affidavit, filed in support of the Writ Petition, that there is a sanctioned layout plan, as a fact the 9 feet wide way was shown in the plan attached to the sale deed executed by the owner of the property in favour of the petitioner.

In my opinion, the very basis on which this Writ Petition is filed, viz., a 9 feet way is provided in the sanctioned layout plan, has turned out to be incorrect as, the learned counsel for the petitioner, as noted above, has conceded that it is only in the plan attached to the sale deed executed in favour of his client that a 9 feet wide way was shown.

In the light of these facts, the Writ Petition is dismissed, however, with liberty to the petitioner to avail a fresh legal remedy in the event, he is able to secure either the sanctioned layout plan or approved building plan of respondent No.3 which shows the existence of a 9 feet wide way.

As a sequel to dismissal of the Writ Petition, WPMP.No.3270 of 2016 shall stand dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*29th January, 2016
DR*