

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.686 of 2016

-
07.01.2016

Between:

G.Bal Reddy

.. Petitioner

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.P.Shashi Kiran

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent Nos2 and 3: --

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to set aside notice, dated 23.12.2015, of respondent No.2.

The petitioner averred that he has constructed a house along with compound wall in his private property, that in a partition suit filed by the petitioner's daughter, respondent No.3 is one of the defendants and that as the petitioner could not get the suit withdrawn by his daughter as demanded by respondent No.3, the said respondent has prevailed upon respondent No.2 and got the impugned notice issued. The petitioner asserted that the allegation made in the impugned notice that he has constructed the compound wall over the road margin is false.

Under Section 192 of the Andhra Pradesh Municipalities Act, 1965, the respondents have the power to remove the encroachments. However, without issuing a notice to the person, who is likely to be affected, respondent No.2 cannot unilaterally conclude that the compound wall is constructed on the road margin. Such an unilateral conclusion constitutes arbitrariness and causes injustice to the citizens.

Therefore, the petitioner is permitted to submit objections to the impugned notice within a period of one week from the date of receipt of a copy of this order. Thereupon, respondent No.2 shall hold an enquiry, after issuing notice to the petitioner, and pass a speaking order before contemplating further action for removal of the compound wall.

Accordingly, the Writ Petition is allowed to the extent indicated above.

As a sequel to allowing the writ petition, W.P.M.P.No.847 of 2016
filed by the petitioner for interim relief shall stand disposed of as
infructuous.

C.V.NAGARJUNA REDDY, J

07th January, 2016
GHN