

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.3885 of 2016

Date:09.02.2016

Between:

T.Adimarri Renuka Devi,
W/o Late S.Manohar

..... Petitioner

And:

The State of A.P., repled by its
Principal Secretary, Municipal Admn. &
Urban Development, Hyderabad,
and four others.

.....Respondents

Counsel for the Petitioner: Mr. R.Harish Kumar

Counsel for Respondent No.1: GP for Municipal Admn. (AP)

The Court made the following:

ORDER:

This Writ Petition is filed with the grievance that respondent Nos.2 and 3 have not been taking action on the petitioner's representation for removal of structures raised by respondent Nos.4 and 5 on a part of public road and on a part of her property in Survey No.422-1B, Kalyanadurgam Town.

The petitioner pleaded that she is the absolute owner and possessor of Plot admeasuring Ac.0.10 cents in Survey No.422-1B abutting Kalyanadurgam-Kundurpi

road in Kalyanadurgam town, Anantapur District; that in connection with her employment as Junior Lecturer in Government college, she was living outside Kalyanadurgam for a long time; that in the year 2012, when she visited the said plot, she observed that on the western side of her plot, respondent No.4 has occupied public road and also a small part of her plot and illegally constructed a house without access to her plot; that on 31.12.2012, she made a complaint to the Police; that subsequently, on coming to know that respondent Nos.4 and 5 were constructing one more house adjacent to the existing house, she has caused a legal notice, dated 11.6.2013, issued to respondent No.3 requesting him to stop the illegal constructions; that another complaint was made to respondent No.2 on 04.8.2014 and also to the Revenue Divisional Officer, Kalyanadurgam on 06.8.2014 against the illegal constructions being carried on by respondent No.4 by occupying a small portion of her plot; that on 08.8.2014, the Revenue Divisional Officer entrusted the said complaint to the Tahsildar for necessary action; and that, based on the said complaint, the revenue officials have conducted survey and prepared Field Measurement sketch, which clearly shows that respondent No.4 has occupied a part of the petitioner's plot and constructed the house on the Roads and Buildings' road.

At the hearing, Mr. R.Harish Kumar, learned counsel for the petitioner, submitted that as per his client's information, the road is under the control of respondent No.2 and that, despite the survey report, the said respondent has not been taking any action against the illegal construction made by respondent Nos.4 and 5.

Mr. Md.Saleem, learned Standing Counsel for the Municipalities (Andhra Pradesh), appearing for respondent Nos.2 and 3, submitted that since the road is vested in the Roads and Buildings Department,

respondent No.2 has not taken any action and that, however, the municipal council of respondent No.2 has passed a resolution on 04.12.2014 for widening of the main roads passing through Kalyanadurgam town.

A perusal of the copy of the survey report, *prima facie* shows that the house was constructed by respondent Nos.4 and 5 over a part of the petitioner's plot and also on the Roads and Buildings' road.

Having regard to the above submission of the learned counsel for the petitioner that the road is under the control of respondent No.2, learned Standing Counsel for respondent No.2 has assured that respondent No.2 will consider this aspect and if it is found that the road is under the control of respondent No.2, both respondent Nos.2 and 3 will take appropriate action as per the survey report.

In view of this submission of the learned Standing Counsel, the Writ Petition is disposed of with the direction to respondent Nos.2 and 3 to consider whether respondent Nos.4 and 5 have constructed their houses over any part of public road and on a part of the petitioner's plot and if so, they shall take appropriate action after notice to respondent Nos.4 and 5. They shall complete this exercise within two months from the date of receipt of a copy of this order.

As a sequel to disposal of the Writ Petition, W.P.M.P.No.4986 of 2016 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA
REDDY

09th February, 2016
DR