

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

WRIT PETITION NO.24517 OF 2015

DATED:27-01-2016

Between:

Rajender Kumar Kimtee
and others ... Petitioners

And

The State of Telangana
Municipal Administration and
Urban Development Department
Secretariat
Saifabad, Hyderabad
Rep. by its Principal Secretary
and others ... Respondents

COUNSEL FOR THE PETITIONERS: Sreenivasa Rao Velivela

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal
Administration

(TS)

COUNSEL FOR RESPONDENT NOs.2 to 4: Mr. N. Ashok Kumar

COUNSEL FOR RESPONDENT NO.5: A.G.P. for Home (TS)

COUNSEL FOR RESPONDENT NOs.6 and 7: Ms. Anjali Agarwal

THE COURT MADE THE FOLLOWING:

ORDER:

-

This writ petition is filed with the grievance that respondent Nos.2 to 4 have not taken any action against respondent Nos.6 and 7 for removing the footpath in Mukthiyargunj lane, and attempting to remove the footpath in front of the shops in premises No.15-2-358/3, 358/4, 15-2-387, 388 and 390, Mukthiyargunj Lane, Hyderabad, and trying to erect iron barricade in the entrance of the lane to prevent movement of the vehicles, as illegal and arbitrary.

Separate counter affidavits have been filed on behalf of respondent Nos.2 to 4, and also by respondent Nos.6 and 7.

In their counter affidavit, respondent Nos.6 and 7 have averred that the petitioners have unauthorizedly raised a pial in order to carry on their illegal business and that the said respondents have not removed the pial raised by the petitioners. Respondent Nos.6 and 7 have further averred that the pial raised by the petitioners are causing nuisance to the residents of the area apart from causing serious traffic obstructions.

In the counter affidavit filed by respondent No.4, he has *inter alia* averred that acting on the petitioners' complaint, the officials of the Greater Hyderabad Municipal Corporation (GHMC) have inspected the site in question and found that the footpath has been reconstructed again. It is further averred that there is no encroachment of the footpath, and that no barricades, iron gudders etc., have been erected, as alleged by the petitioners. In support of these averments, respondent No.4 has filed photographs and as evident from the photograph affixed at the bottom of the material paper annexed to the counter, there appears to be a footpath in existence and that no barricade as alleged by the petitioners is in existence. No reply

affidavit is filed controverting the said averments in the counter affidavit. Therefore, I have no reason to doubt the veracity of the stand taken by respondent No.4 in his counter affidavit.

Hence, I do not find any reason to issue mandamus as prayed for by the petitioners. If respondent Nos.6 and 7 have any grievance against the petitioners with regard to the unauthorized constructions, they shall be free to approach the GHMC and its officials for redressal of the same and thereupon the latter shall take appropriate steps according to law.

The writ petition is accordingly dismissed.

As a sequel to dismissal of the writ petition, interim order dt.05.08.2015 is vacated and W.P.M.P. Nos.31805 and 49839 of 2015 and W.V.M.P. No.4459 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

27-01-2016

bnr