

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39026 of 2016

Date: 14.11.2016

Between:

Manchikanti Trust, rep.by its GPA Holder,
B.V.Subba Rao, s/o late B.Subbarayudu,
Aged 66 years, Occu: Business,
R/o. 40/814-10-5, Nehrunagar, Kurnool,
Andhra Pradesh.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its
Secretary, Municipal Administration,
Secretariat Buildings, Velagapudi,
Guntur District, Andhra Pradesh and
others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner-Trust alleges that the Trust owns the house plot bearing Plot No.3, admeasuring 184 square yards in Venkatadri Nagar in Sy.No.390/1 of Kallur village of Kurnool District. According to learned counsel for petitioner, in the process of formation of a road, the respondent-Municipal Corporation is deviating from the sanctioned layout plan for the road as proposed in the original layout and encroaching into the plot of petitioner-Trust to form a road. He, therefore, contends that such action of the Municipal Corporation is illegal and without following due process, they cannot deprive the right of the petitioner-Trust.

2. Material on record filed do not disclose what is alleged by the petitioner is true. If according to the petitioner, Trust plot is affected by formation of a road and same is contrary to the layout approved by the Municipal Corporation, nothing prevented the petitioner-Trust in complaining before the competent authority about the same instead of straightaway rushing to this Court. This Court cannot go into the disputed question as to whether the road was not formed earlier and that the present formation is contrary to the layout plan and that is affecting the property of the petitioner-Trust even before issue was considered by the Municipality. The Court can go into such issues only in the limited context of error in exercising of jurisdiction; not appreciating the facts and issues properly by the competent authority while taking

a decision and that without following due process the property of the private person is affected.

3. This Court can go into such grievance, when, even after making such complaint the competent authority has not considered the same and affected the right of the petitioner. Thus, it is premature to entertain and grant the relief as sought for. Thus, leaving it open to the petitioner-Trust to work out their remedies, the writ petition is dismissed. It is needless to observe that as and when complaint is filed by the petitioner-Trust, the same shall be acted upon in accordance with Rules and the petitioner-Trust be furnished reply by way of reasoned order, if the action of the competent authority is justified in accordance with the rules.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 14.11.2016

Note: Issue C.C. in three days.
B/o.
kkm

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