

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 26089 of 2008

ORDER:

1) The present writ petition came to be filed seeking issuance of a writ of mandamus directing the respondents to consider and dispose of the representations of the petitioner dated 22.12.2007 and 06.11.2009, pertaining to sanction and completion of the cement road in K.P.H.B.Colony, Kukatpally, Hyderabad; and consequently to declare the inaction of the respondents in completing the cement road sanctioned vide No.106, dated 03.10.2005 by the respondent No.4 and allowing the land grabbers to grab the public road, as bad in law.

2) The petitioner claims to be the owner and possessor of house bearing No.SC-II, Phase I & II (LOP), K.P.H.B.Colony, Hyderabad, having been allotted by the Housing Board. It is said that there exists a gravel road from the house of the petitioner to the shopping complex which is located near the bus stop. In the year 2004, the authorities have sanctioned laying of a cement road vide Admn.No.106, dated 03.10.2005. The averments in the affidavit further show that tender notification was also issued for laying 20" wide cement road. Though the material was dumped, but for the reasons best known, the work was suspended in the midst. A representation was made for laying a road, but the authorities failed to consider the same. It is further stated that the petitioner gave number of complaints, but no action has been initiated by the authorities. Challenging the same, the present writ petition came to be filed.

3) Heard learned counsel for the petitioner and learned counsel for the respondents.

4) Learned counsel for the respondents would submit that the question of laying cement road would not arise as the master plan does not anywhere indicate existence of any road in the said area. The same is disputed by the learned counsel for the petitioner stating that if no road exists, there was no reason for a sanction, to lay the cement road.

5) Having regard to the above and taking into consideration the rival submissions made, the writ petition is disposed of directing the authorities to deal with the request of the petitioner, if a road exists as per the master plan and also take steps to prevent encroachments on the road, if any. Insofar as allotment of stray piece of land, which is adjacent to the house of the petitioner, it is urged that the representation of the petitioner remain un-attended. Hence, the authorities are directed to deal with the application made by the petitioner dated 13.04.2014, if it is still pending consideration and pass orders in accordance with law, within a period of three months from today.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

04.09.2017
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