

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10091 of 2017

ORDER:

Heard Si N.Chandra Sekhar Reddy for petitioner and  
Si Md.Saleem for the 2<sup>nd</sup> respondent.

The petitioner challenges notice dated 27-02-2016 issued under Sections 192, 193 and 194 of the A.P. Municipalities Act primarily on the ground that the notice does not refer to the encroachment by petitioner warranting removal of the same and without specifically stating the extent of encroachment, issuing notice in a vague manner, thereafter coming and demolishing both encroached and un-encroached portion, amounts to illegal and arbitrary exercise of power.

The counsel for 2<sup>nd</sup> respondent submits that the petitioner is called upon to remove the encroachment of road margin. He further submits that if for any reason, the marking, as stated by the petitioner, is not carried out by the respondent/Municipality, the respondent/Municipality undertakes to mark the road margin in the possession of petitioner within two weeks from today and serve a notice on the petitioner. Thereafter, the petitioner can be given two more weeks from the date of receipt of notice to remove the encroachment without any objection. If the petitioner does not do

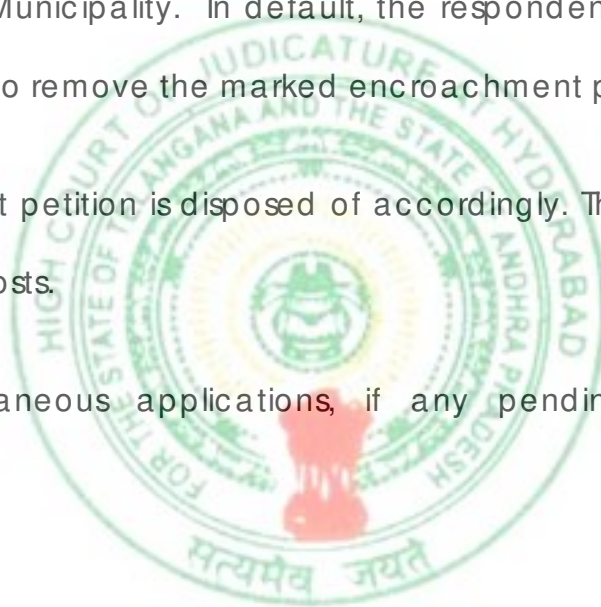
so, the 2<sup>nd</sup> respondent is given liberty to remove the encroachment on road margin.

The statement is placed on record.

The respondent/Municipality undertakes to mark the encroached portion in road margin within two weeks from today and serves notice to petitioner for removing the encroachment within two weeks thereafter. The petitioner to remove the encroachment accordingly within the time granted by respondent/Municipality. In default, the respondent/Municipality is given liberty to remove the marked encroachment portion.

The writ petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.



S. V. BHATT, J

Date: 22-03-2017

Note:

Issue C.C. forthwith

(B/o)

Prv

