

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18847 of 2011

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the respondents in laying the road illegally and unlawfully in a highhanded manner across the petitioner's private property in Sy.No.60 bearing Plot Nos.42, 43, 45 and 47 at Kondapur village, Serilingampally Mandal, as illegal and arbitrary, and consequently, direct the 1st respondent to remove the road from the property of the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that she is the absolute owner of the above said property and that when she went to abroad, the 1st respondent laid road through her property without her knowledge at the instigation of her neighbours and some unscrupulous elements. After she came to know about the same, immediately she approached the authorities concerned and made several representations, but no action has been taken so far. Hence, the present writ petition.

Learned Additional Government Pleader for the 1st respondent submitted that the Serilingampally Municipality is competent to take action in the matter. At this stage, learned counsel for the petitioner submitted that the 1st respondent – Commissioner of Greater Hyderabad Municipal Corporation is the competent authority to consider his representation and therefore, he requested to give a direction to the 1st respondent to consider his representation.

Considering the facts and circumstances of the case and also the submission of the learned counsel for the petitioner, this Court is of the view that the writ petition can be disposed of with the following directions:

The 1st respondent – Commissioner, Greater Hyderabad Municipal Corporation, is directed to consider representation, dated 19.05.2005 made by the petitioner, and pass appropriate orders as expeditiously as possible, preferably within a period of six (6) months from today.

Accordingly, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions pending if any, shall stand closed.

March 06, 2017.
KTL



RAJA ELANGO, J

