

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20266 OF 2016

ORDER:

1. This writ petition is filed seeking a direction to the respondents not to construct a foot over bridge over western portion of land of the petitioner admeasuring 38 ½ guntas in Sy.No.50/3/EE, situated at Rajendra Nagar Mandal, Ranga Reddy District, without following the due process of law.

2. The case of the petitioner is as follows:

The petitioner purchased three portions of land in Sy.No.50/3/EE, situated at Bum Ruknowdowla village, Rajendra Nagar Mandal. The western side portion of the land admeasuring 38 ½ guntas has been encroached by the respondents in order to construct a foot over bridge, without following the due process of law. On 19.6.2016, the respondents started digging the subject land in order to lay foundation for the pillars and stair case of the proposed foot over bridge, without acquiring the same under due process of law.

3. On 4.7.2016, this Court passed interim order of status quo. Now, GHMC filed WVMP seeking to vacate the interim order of status quo. At the consent of the Counsel on record, the main writ petition is taken up for hearing.

4. Heard and perused the material available on record.

5. The present writ petition is filed aggrieved over the proposal of construction of foot over bridge near the land of the petitioner. It is the case of the petitioner that the construction of the said bridge would affect its land. By way of interim order, this Court directed the petitioner to file an application before the District Collector for survey of the land. It is

further directed that on such application being filed, survey shall be conducted to find out as to whether the subject land belongs to the petitioner or the Government. Now, it is submitted on behalf of the respondents that after survey, it was found that one of the pillars viz., 6th pillar, which is proposed to be constructed, will affect the land of the petitioner. It is further submitted that in view of the survey report, the respondents changed the alignment and also the structure of the bridge and in any event, the construction of the bridge will not affect the land of the petitioner herein.

6. Considering the above submissions, this Court is inclined to pass the following order:

“The respondents are directed to proceed with the construction and the said construction should not affect the land of the petitioner herein as stated in the counter-affidavit filed on behalf of the respondents. During the course of construction, if it is found that the respondents violated the submissions made in this writ petition and if such construction would affect the land of the petitioner, the petitioner is at liberty to approach this Court by way of filing a fresh writ petition.”

7. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAJA ELANGO

Dated: 24th July, 2017
Nn.

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WRIT PETITION No.20266 OF 2016



24/7/2017

Nn.