

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.15266 of 2011

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, to declare resolution bearing C.R.No.36, dated 04-03-2011 passed by the 4th respondent, and the recommendation of the 3rd respondent in naming the street 3rd Cross Road of Veterinary Colony as Dr.Ponduri Mallikarjuna Rao Road, from Door No.52-1/5-11 to 52-1/5-5, as arbitrary and illegal, and consequently direct the respondent authorities to take the public view of the local residents and the welfare association, before naming the street.

Heard and perused the material available on record.

The case of the petitioner is that all the residents of the veterinary colony of Vijayawada have formed an association for the welfare of the colony and the same is registered with the Registrar of Societies, Vijayawada. The 4th respondent herein passed a resolution bearing C.R.No.36, dated 04-03-2011, on the recommendation of the 3rd respondent in naming the street 3rd Cross Road of Veterinary Colony as Dr.Ponduri Mallikarjuna Rao Road, from Door Nos.52-1/5-11 to 52-1/5-5. The said resolution is under challenge in the present writ petition.

The main contention of learned counsel for the petitioner is that prior to naming any of the streets, necessarily the public opinion should be obtained and that the 3rd respondent herein is the competent authority under Section 418 of A.P. Municipal Corporations Act after seeking the approval of the 4th respondent to name the streets and, hence, he prays to set aside the resolution passed by the 4th respondent.

Considering the facts and circumstances of the case and the submissions of learned counsel for the petitioner, this writ petition is allowed, setting aside the resolution bearing C.R.No.36, dated 04-03-2011 passed by the 4th respondent. However, the respondents are at liberty to name the street after following due process of law.

There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 20, 2017

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