

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.14538 OF 2017

ORDER:

The writ petition is filed challenging the action of the 2nd respondent in marking on the petitioners shopping complex bearing D.Nos.1-413, 1-414, 1-415 and 1-416 situated at Bus Stand Road, Yemmiganuru, Kurnool District for road widening without issuing any notice and without acquiring the land under the Act, 30 of 2013.

It is the specific case of the petitioners that markings have been made by the respondent authorities on the above said properties of the petitioners to widen the existing road to 80 feet road. However, there is no proposal which has been made to the petitioner either to pay the compensation amount or to compensate in an appropriate manner.

Learned standing counsel for the 2nd respondent, on instructions, submits that noticing the encroachments having been made by the petitioners, a notice invoking the relevant rules under the Hyderabad Municipal Corporation Act, 1955, has been issued to the petitioners on 26.05.2016, but the petitioners failed to submit their explanation. However, the learned standing counsel submits that the action would be taken in accordance with the law.

Having considered the submissions made by the learned standing counsel for the 2nd respondent and in view of the denial of having received any notice by the petitioners, the writ petition is disposed of giving liberty to the respondent authorities to issue a fresh notice specifying the nature of encroachment made by the petitioners and as and when such notice is issued, petitioners shall be at liberty to submit their explanation and it is only after considering such

explanation and passing of the orders in accordance with law, any demolitions shall be made by the respondent authorities. Without following the procedure, if any coercive action is taken including the demolition, the respondent authorities shall be responsible apart from the action being taken against the concerned officers.

all the streets and public utilities of the N.T.R Nagar colony, L.B. Nagar are vested in the first respondent authority and some unauthorized persons by taking law into their hands erected obstructions on the road which is not only prohibited under law and punishable under the provisions of the Hyderabad Municipalities Act, 1955. In that view of the matter, petitioner submitted a representation dated 15.04.2016 to the respondents, but the respondents did not take any action so far. Hence, the writ petition.

Inasmuch as the petitioner submitted his complaint/representation dated 15.04.2017 and it is pending with the respondent authorities, the writ petition is disposed of directing the respondent authorities to take into consideration of the complaint/representation dated 15.04.2017 of the petitioner and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of copy of the order. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

CHALLA KODANDA RAM,J

Date:25.04.2017,
Gk.

HONB'E SRI JUSTICE CHALLA KODANDARAM



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Gk