

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.38686 of 2017

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking verbatim the following relief:

“ ..to issue a writ or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the second respondent in trying to dig the petitioner's plot bearing No.301 admeasuring 311 Square Yards equivalent to 260 Square Meters, situated within the layout of the Deepthi Sree Cooperative House Building Society Limited, in Survey No.126 of Hafeezpet village, Serilingampally Mandal, Ranga Reddy District and abutting the 33' Wide Road on its South, without there being any proceedings and without any notice whatsoever, in spite of the petitioner's representation submitted on 13.11.2017, as being illegal, arbitrary fundamental rights guaranteed under Articles 14, 19 and 300-A of the Constitution of India and further direct the second respondent Corporation to restore the 33' Wide road covered by the approved layout on the south of the petitioner's plot, which is the only access to it and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard the submissions of *Sri T.Pathnakar*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; and of *Sri Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the respondents 2 and 3. I have perused the material record.

3. The submission of the writ petitioner is that the 3rd respondent is trying to dig the plot bearing No.301 of the petitioner admeasuring 311 Square Yards equivalent to 260 Square Meters, in Survey No.126 of Hafeezpet village, Serilingampally Mandal, Ranga Reddy District, and abutting the 33 feet wide road on its South; and, that the said attempt to dig the subject plot of the petitioner is being done without even issuing a notice and without considering the representation, dated 13.11.2017, of the petitioner.

4. Learned Standing Counsel would submit that no digging activity in the plot of the petitioner is undertaken and that if any action is to be taken in respect of the plot of the petitioner, the respondent Corporation would follow the procedure established by law.

5. In reply, learned counsel for the petitioner would submit that recoding the said submissions, the writ petition may be disposed of.

6. Accordingly, the Writ Petition is disposed of, directing the 3rd respondent not to interfere with the plot of the petitioner in any manner except by following the procedure established by law.

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

20th November, 2017
RAR



M. SEETHARAMA MURTI, J