

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.42849 of 2017**

**ORDER:**

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking the following relief:

**“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the Respondents in interfering with our peaceful possession and enjoyment of the respective Premises/shops belonged to 1) 1<sup>st</sup> Petitioner bearing D.No. 11-195, 2) 2<sup>nd</sup> Petitioner bearing D.No. 11-192, 3) 3<sup>rd</sup> Petitioner bearing D.No. 11-191, 4) 4<sup>th</sup> Petitioner bearing D.No. 11- 194(part), 5) 5<sup>th</sup> Petitioner bearing D.No. 11-194(part), 6) 6<sup>th</sup> Petitioner bearing D.No. 23-140, and 7) 7<sup>th</sup> Petitioner bearing D.No. 20-260(part), situated at Sagar Road, Miryalaguda, Nalgonda District for the purpose of Road widening, without notice and without following the procedure is illegal, arbitrary, unconstitutional and contrary to Article 14, 21 & 300A of Constitution of India and consequently direct the Respondents not to interfere with peaceful possession and enjoyment over the Premises/Shops of the Petitioners, in any manner, in the interest of justice and pass such other order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case.”**

[Reproduced verbatim]

**2.** I have heard the submissions of Smt *Annapurna Sreeram*, learned counsel appearing for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1<sup>st</sup> respondent, learned Government Pleader for Roads and Buildings appearing for the respondents 2 to 4, and of Sri *N. Praveen Kumar*, learned Standing Counsel, appearing for the 5<sup>th</sup> respondent Municipality. I have perused the material record.

**3.** The grievance of the petitioners is that after making markings on the properties of the petitioners for the purpose of road widening,

the respondent authorities are proceeding with further action in the matter, without following the procedure established by law and that, therefore, there is a threat of demolition of the properties of the petitioners and, hence, the writ petition is filed.

4. Learned Standing Counsel appearing for the 5<sup>th</sup> respondent Municipality would submit that only markings are made for the purpose of road widening and for making such markings, no prior notice need be issued and that in case the demolition of the properties of the petitioners is required for the purpose of road widening, the 5<sup>th</sup> respondent Municipality shall follow the procedure established by law.

5. Learned counsel appearing for the petitioners endorses the said submission.

6. Recording the submissions, the Writ Petition is disposed of directing the respondents not to interfere with or demolish the properties or any part of the properties of the petitioners, except by following the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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**JUSTICE M. SEETHARAMA MURTI**

Date: 21<sup>st</sup> December, 2017

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