

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.6896 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for respondent No.1 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent Nos.2 & 3 and perused the prayer in the writ petition with the supporting affidavit and the notice issued by the 2nd respondent dated 19.12.2017 under Section 406 of GHMC Act, 1955, and the reply submitted by the petitioner on 12.01.2018 acknowledged by the Office of the 3rd respondent.

The supporting affidavit averments are that she purchased the plot of an extent of 311 square yards in plot No.283 of Deepti Sree Nagar, Chandanagar, Ranga Reddy District under registered sale deed No.5624/1987 dated 13.07.1987 from Deepti Sree Cooperative House Building Society covered by HUDA approved layout dated 24.03.1986 and the impugned notice of the respondents stated as if the property is part of the nala proposed and causing obstruction for free flow of drain water by said encroachment and it requires restoration of width from existing 10 meters to 12.192 meters and in plot No.283 the area covered is 260.12 sq. meters. The neighbouring plot owners of the petitioner filed W.P.No.38686 of 2017 and that was disposed of with a direction to the GHMC authorities not to interfere with the private plot except through due process of law. The petitioner submitted his reply, however it is kept without disposal and the authorities are trying to remove the structures of the petitioner for the purpose of widening nala. The explanation of the petitioner was dated

12.01.2018 speaks she is the original owner and if at all there is any extension of nala with interference of the private property, she is entitled to compensation under the Land Acquisition Act.

Having regard to the above, the Writ Petition is disposed of directing the respondents to demarcate the property first in the presence of the petitioner and identify if there is any encroachment for the proposed widening of nala required and if there is no encroachment if at all there is any requirement of the site of the petitioner follow the procedure contemplated by Sections 145 to 147 of the GHMC Act, 1955.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 05.03.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

