

HON' BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION Nos.8579 and 8603 of 2018

COMMON ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1 and Sri A.Pandu Ranga Rao, learned Standing Counsel appearing for respondent No.2 and perused the prayers in the writ petitions with supporting affidavits, impugned removal of encroachment notices issued under Sections 405 and 406 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') and the other material on record.

2. These writ petitions are filed seeking Writ of Mandamus to declare the action of respondent No.2-Municipal Corporation, Guntur in trying to dispossess the petitioners from their houses bearing D.Nos.16-33-20, Kothapeta 2nd lane, 5th ward, Nandi Velugu Road, Old Guntur, Guntur District and D.No.16-3-16, Balaji Nagar, O'Line, Behind Sri Venakteswara Swami Temple, Nandi Velugu Road, Old Guntur, Guntur District, Andhra Pradesh, respectively, for winding of the road, by demolishing their houses without following the due process of law, as illegal and arbitrary and consequently to set aside the notices dated 05.03.2018 issued by respondent No.2.

3. It is stated in the affidavits filed in support of the writ Petitions that the respondents, without notice and opportunity, despite they are having D.K.Pattas in their favour among others for the property in question, respondent No.2-Municipal Corporation is trying to demolish the same under the guise of the impugned notices served and to cause remove their abodes.

4. It is the submission of the learned Standing Counsel for respondent No.2 that it is, as per the due process of law, notices issued and from any explanation, the petitioners can submit and they will consider and pass appropriate orders, because *prima facie* it is an encroachment according to the Municipal Corporation.

5. By recording the above submissions, these writ petitions are disposed of permitting the petitioners to submit their written explanations within one week from the date of receipt of copy of this order along with the so called D.K.Pattas in their favour to the respondents to verify the genuineness of the D.K.Pattas and if necessary to cause demarcate the property with reference to the D.K.Pattas and the road margin and the respondents shall pass appropriate orders and communicate the same to the petitioners, preferably, within two months from today. In the meantime, the respondents shall not take any coercive steps.

6. Miscellaneous petitions pending, if any, shall stand closed.

No costs.

Dr. B. SIVA SANKARA RAO, J

Date: 15.03.2018

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