

THE HONOURABLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.30616 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The prayer sought for in the writ petition is as under:

“.....to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not considering the representation of the petitioner dated 1.9.2016 for maintaining the existing public street without any encroachments as illegal, arbitrary, unjust, in violation of Articles 14 and 21 of the Constitution of India and Sections 363 and 374 of GHMC Act and consequently direct the respondents herein to remove the illegal unauthorized constructions in the existing C.C. road in public street in between H.Nos. 11-2-175 to 178 and 11-2-179 to 181 and 182, situated at Mylargadda, Secunderabad”.

The facts of the case are that the petitioner is the absolute owner of the premises bearing No.11-2-175 to 178 at Mylargadda, Secunderabad. He is using the said premises as residence as well as for his office purpose. There is a public street abutting to his residence in between House Nos. 11-2-175 to 11-2-181 and H.No.11-2-182 situated at Mylargadda, Secunderabad which is in existence since a long time. The said public street is being maintained by the respondent No.1-Corporation. As per the Town Survey record, the said road is shown as street i.e., Government Vested Municipal Road (GVM Road) in respect of Plot No.11, Block A, Ward No.141, Jamisthanpur village, Musheerabad Mandal,

Hyderabad. In the year 2006, cement road was also sanctioned and the same was laid. However, a complaint was given to the respondent No.2 on 29.8.2016 and also a complaint was given to the respondent No.1 on 1.9.2016 about the unauthorized constructions by encroaching the municipal lane requesting to protect the municipal lane from encroachments by the persons having vested interest. Since no action was taken, the present writ petition is filed.

Per contra, learned Standing Counsel appearing for the respondents 1 and 2 would submit that he has instructions from the Corporation that the said public street will be kept intact without allowing any constructions. He also would submit that as of now no constructions are coming up occupying the said road.

In the light of the statement made by the learned Standing Counsel for the respondents 1 and 2, the writ petition is closed, since no further orders are needed.

Miscellaneous petitions, pending if any, shall stand closed.
No order as to costs.

JUSTICE P.KESHA RAO

Date: 17.04.2018
slk

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