

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.17013 of 2011**

**ORDER:**

The relief sought for in this Writ Petition is for a mandamus to declare the action of the respondents, in trying to demolish the petitioners' shops situated at Ram Nagar main road, Anantapur District without putting the petitioner on notice and without giving them an opportunity of being heard, as arbitrary and illegal.

In the counter-affidavit, it is stated that the petitioners are carrying on business in the Ram Nagar main road encroaching into 15' in the 80' existing road margin; they were causing public nuisance and were responsible for traffic congestion; the carriage way, of the existing road, is only 50' as against the road width of 100'; the road has become very congested for vehicular movement; if these encroachments are removed, the entire width of the 100' road can be utilised; and it is essential that the road be widened for the benefit of the general public.

The respondent-Municipality is now a Municipal Corporation. Section 405(a) of the Greater Hyderabad Municipal Corporation Act, 1955, which is also applicable to the respondent Municipal-Corporation, expressly stipulates that the Commissioner may, without notice, cause to be removed any structure erected or set up over any street contrary to the provisions of the Act. As it is specifically stated, in the counter-affidavit, that the encroachments are on public roads, and as the requirement of a prior notice, and for an opportunity of being heard to be provided, is specifically dispensed with under Section 405(a) of the GHMC Act, I see no reason to grant the relief sought for in

the Writ Petition. It is made clear that it is open to the respondent-Corporation to remove encroachments on the existing public road.

Subject to the aforesaid-observations, the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

---

**RAMESH RANGANATHAN, ACJ**

Date: 09.03.2018

MRKR

