

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38852 OF 2018

DATED :31.10.2018

Between :

Gunda Rajeshwar Rao S/o.Late Agaiah,
Age : 61 yrs, Occu : Retired Employee,
R/o.H.No.5-11-219, Naim Nagar,
Hanamkonda, Warangal 506001, Telangana & others.

..

Petitioners

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal and Urban Development Department,
Secretariat Buildings, Hyderabad & others

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1 and Smt P.Lakshmi, learned Standing counsel for respondent No.2.

2. In this writ petition petitioners, allege that they are the owners of properties bearing H.Nos.5-11-219, 5-11-221, 5-11-221/1, 5-11-222 & 223 and 5-11-224, Naim Nagar, Hanamkonda, Warangal respectively. While so, the respondent-Municipal Corporation, highhandedly trying to dispossess and acquire the properties of the petitioners without following the due process. Alleging such illegal action, this writ petition is filed.

3. A caveat petition is filed a copy of which is enclosed to W.P.No.38881 of 2018. A reading of the affidavit filed in support of the caveat petition would show that Government sanctioned duct & drain, along with the National Highway from Petrol Pump to Kakatiya University Junction to cater to the needs of the public at large. In that process, the lands/buildings which are coming in the way of causing obstruction to the work are identified. It is alleged that the respondents therein made encroachments over the public road. Therefore, the Corporation is taking steps with due process of law for construction of duct and drain along with the stretch Petrol Pump to Kakatiya University Junction, Hanamkonda, Warangal.

4. Thus, the averments made in Paragraph No.3 of the affidavit filed in support of the caveat petition itself would show that the respondent-Corporation intend to follow due process to acquire the private lands for public purpose and/or to remove the encroachments on the public road, wherever the private persons have illegally encroached into the public road.

5. Learned Standing counsel also informs the Court that she was instructed to represent that the Municipal Corporation will follow due process before acquiring the lands of private persons/eviction of persons who have unauthorisedly or illegally occupied the public property.

6. In view of the categorical stand of the respondent Corporation and the instructions of learned Standing Counsel, the apprehension expressed by the petitioners does not survive anymore and accordingly, the Writ Petition is disposed of. Pending miscellaneous petitions shall stand closed.

31st October, 2018

Note : Issue c.c. in one (1) week.

B/o.
Rds

P.NAVEEN RAO,J