

THE HON'BLE SRI JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10233 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners, seeking a Writ of Mandamus, declaring the action of the 1st respondent/The Hyderabad Metro Rail Limited, in constructing public toilets in front of petitioners' shops bearing Municipal Nos.16-11-477/A and 16-11-477, situated at Main Road, Near Gayatri Mess, Hanuman Temple, Dilsukhnagar, Hyderabad, as illegal, arbitrary and consequently direct the 1st respondent to stop construction of public toilets in front of petitioners' shops and shift the same to another place by considering the representation, dated 04.05.2019, submitted by the petitioners.

2. Heard the learned counsel for the petitioners, the learned Standing Counsel for respondent No.1, Sri Sampath Prabhakar Reddy, learned Standing Counsel for the 2nd respondent and perused the record.

3. The learned counsel for the petitioners would submit that there is only 14 feet passage in front of the petitioners' shops. The respondents are trying to construct public toilet in front of their shops and in that process, they have encroached two feet width of the road. It is also submitted that there is alternate site available to the respondents, which is quite near to the proposed construction of public toilets. It is further submitted that the petitioners have submitted a representation, dated 04.05.2019,

to the 1st respondent and ultimately prayed to direct the respondents to examine the said representation of the petitioners and pass orders thereon.

4. The learned Standing Counsel for the 1st respondent/The Hyderabad Metro Rail Limited and the learned Standing Counsel for the 2nd respondent/Greater Hyderabad Municipal Corporation would submit that the representation, dated 04.05.2019, submitted by the petitioners would be examined and suitable orders would be passed on that representation.

5. Under these circumstances, the respondent No.1/The Hyderabad Metro Rail Limited is directed to examine the representation, dated 04.05.2019, submitted by the petitioners and take appropriate decision thereon.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

08th May, 2019
Bvv