

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10957 OF 2019

Dated 11th June 2019

Between:

1. Uragonda Sammaiah, S/o. Late Durgaiah and two others.

...Petitioners

And

1. The State of Telangana rep.by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad and one other.

...Respondents

The Court made the following:



THE HON'BLE SRI JUSTICE P.NAVEEN RAOWRIT PETITION NO.10957 OF 2019**ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Municipal Administration and Urban Development for R-1 and Sri N.Praveen Kumar, learned Standing Counsel for R-2.

2. Petitioners claim that they jointly own land to an extent of Ac.1.14 gts in Survey No.259/13 situated at Garimilla Village, Mancherial Mandal, Mancherial District. Petitioners are entitled to respective shares in the ratio of Ac.0.17 gts, Ac.01.17 gts and Ac.0.18 gts respectively. Petitioners now allege that when they intended to erect fencing to protect their property, the officials of the second respondent came to their land and prevented them from erecting fencing and threatened them to hand over the land to them as the same is required for the purpose of laying road.

3. There are two components; one is with reference to erection of fencing. When the petitioners are owners of the property and if they intend to protect their property, they have to apply to the municipality seeking permission to do so. Before such permission is obtained, they cannot erect fencing. The second component is with regard to alleged threatening to hand over the land, as the land is required for the purpose of laying road. If the petitioners own the land and the land is required for laying the road, the respondents have to follow the due process of law before dispossessing the owners of the property and utilise the land for public purpose.

4. Therefore, the Writ Petition is disposed of granting liberty to the petitioners to apply for obtaining permission to erect fencing by satisfying the municipality with regard to their entitlement. The municipality is directed to follow the due process of law to acquire the land in issue, if the land is a private land and required for public purpose. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

11th June 2019
RRB

