

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.13840 OF 2019

Date:07.08.2019

Between:

Chinni Krishna Rao, S/o. Narasimharao,
Aged about 45 years, Business, H.No.5-6-1/B,
Pakabanda Bazar, Khammam and another .. Petitioners

And

State of Telangana, rep., by its Principal
Secretary, (Municipal Administration),
Secretariat Buildings, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13840 OF 2019****ORDER:**

Heard.

2. Petitioners allege that the house bearing Nos.5-6-1/G, 5-6-1/H and 5-6-1/H/1 and vacant plot of Pakabanda Bazar on the northern side ranging from East to West to an extent of 9.6 feet and also on the western side ranging from North to South to an extent of 7 feet are marked without notice and opportunity to them. They claim that the respondent authorities are trying to dispossess them without following due process and the same is illegal.

3. Petitioners allege that the above stated properties are private properties and they are in lawful possession and enjoyment of the same.

4. If that is so, it cannot be expected that the respondent authorities, including the Municipal Corporation, would dispossess the petitioners without following due process even assuming that the properties of the petitioners are required for the purpose of widening of the road, as contended, and as fairly submitted by learned counsel for the petitioners that that neighbours properties are also not acquired, but only marking is made. Merely because marking is made, it cannot be assumed that the respondent authorities would not follow the procedure necessitating the petitioners to institute this Writ Petition. Hence, the Writ Petition is premature.

5. The Writ Petition is accordingly dismissed. However, it is always open to the petitioners, if due process is not followed before dispossessing the petitioners, and are at liberty to work out their remedies in accordance with law. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:07.08.2019

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