

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.28349 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners Nos.1 to 14, seeking a Writ of Mandamus to declare the action of the respondents, in issuing the notice dated 25.06.2019 as illegal, arbitrary and unconstitutional and consequently, set aside the same.

2) Heard learned counsel for both sides and perused the record.

3) Learned counsel for the petitioners would contend that no notices were issued to the petitioner Nos.5 to 14 before commencement of the road widening.

4) Sri N.Praveen Kumar, learned Standing Counsel for respondent No.2/Adilabad Municipality, conceded that no notices were issued to the petitioner Nos.5 to 14 before commencement of the road widening.

5) The material placed on record reveals that there is a proposal to widen the road from 75 feet to 100 feet. In that process, there is possibility of structures existing in the proposed widening are likely to be effected.

6) In the given circumstances, the respondents are directed to issue notices to the petitioner Nos.5 to 14 and pass final orders in accordance with law and then undertake the work of

widening of the road. As far as the other petitioners are concerned, since there is service of notice on them, it is left open to the respondents to proceed in accordance with law.

7) With the above observation, the Writ Petition is disposed of.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed. No order as to costs.

23rd December, 2019
vvr

Dr. SHAMEEM AKTHER, J

