

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.46604 of 2018

ORDER:

The writ petition is filed questioning the action of the Respondents in allowing the illegal construction of shed in the middle of the road in front of petitioner's house.

2. The brief averments in the writ petition are that the petitioner is the resident of H.No.49-125/2, Cherukupalli Colony, Chinthal, Qutubullapur Mandal and Municipality, Ranga Reddy district and is a permanent resident of the said locality. The said property was acquired by the petitioner in the year 1998. Without obtaining any permission, in the middle of the road, certain individuals are erecting a huge shed with iron girders. When the petitioner made complaint before the Respondent authorities, he was informed that there was no permission granted by the authorities, but however, no action was taken on his complaint. According to the petitioner, the erection of such a huge structure in the middle of the road causes inconvenience to the general public as well. In those circumstances, petitioner seeks indulgence of this Court.

3. Taking into consideration the averments in the writ affidavit, when the matter came up before this Court on 3.1.2019, this Court directed the Respondents 2 to 4 to take necessary steps forthwith and ensure no construction is made in the middle of the road obstructing free flow of traffic, without obtaining permission from the authorities concerned. At the request of the learned Standing Counsel, the matter was directed to be listed on 31.1.2019 for filing counter.

4. Today, when the matter is taken up, the learned Standing Counsel, on instructions, would submit that at the instance of local political pleader, it

appears that his followers are erecting the Shed for Ganesh Utsav and that the said structure is only a temporary one and as on date, there is no permission granted by the Respondent authorities for erecting the said structure.

5. A perusal of the photographs filed along with the writ petition belies the submission of the learned Standing Counsel that the erection of shed is a temporary one. From the photographs, it is evident that the erection of shed is being made with iron girders and pipe purlins, with a height of 8 to 10 feet and such a kind of expenditure cannot be incurred as a temporary measure for the purpose of conducting Ganesh Utsav, which is on 2.9.2019. The assertion of the petitioner which is not denied by the learned Standing Counsel that the entire exercise is being done at the instance of local political leader cannot be brushed aside. The public representatives are required to ensure orderly conduct of affairs of the society, rather than, encouraging violation of rules and regulations, which mandates taking permission from the local bodies before erecting any structures, particularly obstructing free flow of traffic.

6. For the foregoing reasons, the writ petition is disposed of, directing the Respondents herein to ensure removal of subject temporary structure and make sure that no such constructions be permitted, in future. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 5.2.2019

Note:

Office to issue C.C. in (3) days.

(b/o)

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