

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.1675 of 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondent-Corporation.

2. The learned counsel appearing for the petitioner submits that the petitioner is the absolute owner and possessor of the premises bearing No.5-3-313 situated at Shantinagar area, Khammam Town. He has purchased an open plot under registered sale deed dated 05.04.1982 *vide* document No.1115/1982. Subsequently, after obtaining permission, he constructed a house, and after regularization, the same was numbered as H.No.5-3-313. Since then, the petitioner is in occupation of the said premises. He also submits that on an earlier occasion, when the respondent-Corporation tried to demolish certain structures for laying/constructing drainage line highhandedly without there being any resolution to that effect in the Municipal Council, the petitioner filed O.S.No.587 of 2002 before the Principal Junior Civil Judge, Khammam, for injunction simplicitor, and the same was decreed on 26.07.2005. The respondent-Corporation has not filed any appeal against the said decree, and thereby, it has become final and binding on the respondent-Corporation.

3. He further submits that the road existing in front of the petitioner's house is 30 feet wide road. The petitioner came to know that the respondent-Corporation is widening the road so as to make it 80 feet. In order to widen the road, two days prior to the filing of the writ petition, the officials of the respondent-

Corporation came to the subject premises, took measurements, and threatened the petitioner that they will demolish the compound wall and occupy a portion of his property for the purpose of road widening. If the compound wall is demolished and the road is widened, without paying any compensation, the petitioner would be put to irreparable loss.

Per contra, the learned Standing Counsel appearing for the respondent-Corporation, on instructions, submits that the measurements were taken only for the purpose of estimation, and not for dispossessing the petitioner by way of demolishing the compound wall. The learned Standing Counsel also submits that if the respondent-Corporation intends to take the property of the petitioner for the purpose of road widening, due process of law would be followed.

Accordingly, taking the said submission of the learned Standing Counsel into consideration, the writ petition is disposed of directing the respondent- Corporation not to take any coercive steps against the petitioner without following due process of law.

Pending miscellaneous petitions, if any, shall stand closed.
No order as to costs.

JUSTICE P.KESHA RAO

Date: 31.01.2020
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