

**HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No. 16345 OF 2020

Between:

K. Krishna Prasad, S/o. Bondaiah, Age. 51 years, Occ. Govt. Teacher,
R/o. H.No.35-2-369, Gopalpur, Hanamkonda Mandal, District Warangal (Urban).

...PETITIONER

AND

1. The State of Telangana, Its Rep. by the Principal Secretary, Municipality and Urban Development Department, Secretariat, Hyderabad.
2. Greater Warangal Municipal Corporation, Its. Rep. by the Commissioner, Warangal Town, District Warangal Urban.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in consideration of the representation of the petitioner dated. 07/09/2020 in restraining the illegal construction on 25 feet Public Road in the Gopalapuram, Division No.46, Hanamkonda, District Warangal Urban as illegal, arbitrary, unjust, unfair, irrational, unreasonable, unlawful, unconstitutional and against to the Article 14 and 21 of Constitution of India and also against the provisions of the Greater Hyderabad Municipal Act, 1955 and various provisions of the various Municipalities Acts and against to the quantum of the law of an Apex Court and this Hon'ble Court and

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the 2nd respondent to consider the representation of the petitioner dated. 07.09.2020 and to restrain the illegal construction taking place on 25 feet Public Road in the Gopalapuram, Division No.46, Hanamkonda, District Warangal Urban, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI PRABHAKAR CHIKKUDU

Counsel for the Respondent No.1:

GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT

Counsel for the Respondent No.2: SMT PINGALI LAKSHMI,

STANDING COUNSEL FOR MUNICIPALITY

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.16345 of 2020

ORDER

This writ petition is filed seeking to declare the action of the 2nd respondent in not considering the representation of the petitioner dated 07.09.2020, in restraining the illegal construction made on 25 feet public road in Division No.46, Gopalapuram, Hanamkonda, Warangal District, as illegal and arbitrary.

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for the 1st respondent and Smt Pingali Lakshmi, learned Standing Counsel for the 2nd respondent.

3. The case of the petitioner is that though he made a representation on 07.09.2020 to the 2nd respondent complaining about illegal constructions made on 25 feet public road, no action has been taken thereon.

4. Learned counsel for the petitioner submits that it is the bounden duty of the 2nd respondent to remove the encroachments on public road and that though the petitioner made a representation, the 2nd respondent has not considered the same.

5. On the other hand, learned Standing Counsel for the 2nd respondent, on written instructions, submits that on two occasions, when some persons tried to make constructions on the public road,

the Corporation removed the same and presently, there are no constructions on the existing road.

6. However, learned counsel for the petitioner submits that the illegal constructions on the public road are not removed.

7. In view of the aforesaid submissions, the Writ Petition is disposed of, directing the 2nd respondent to consider the representation of the petitioner dated 07.09.2020, and take action in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, if not already removed those encroachments. No order as to costs.

8. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Municipality and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Greater Warangal Municipal Corporation, Warangal Town, District Warangal Urban.
3. One CC to Sri. Prabhakar Chikkudu, Advocate [OPUC]
4. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

Prk



HIGH COURT

DATED:29/09/2020



ORDER

WP.No.16345 of 2020

Disposing of the WP.
without costs.

ATM (7)
12/10/2020