

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20 OF 2015

ORDER:

This petition is filed for a *Mandamus* declaring the action of the respondents 2 and 3 in obstructing the existing road (as indicated in layout) by making trench for compound wall, preventing the petitioners from using the existing road as per layout in Sy.No.93, Bagh Hayathnagar, presently Aditya Nagar, Ranga Reddy District as illegal and arbitrary and for a consequential direction to the respondents not to cause any obstruction to the ingress and egress through the existing road between Plot No.1 and 8 to the residents of Aditya Nagar.

The case of the petitioners 2 to 4 is that they are the residents of Aditya Nagar Colony and they are the members of 1st petitioner Association. It is submitted that after perusing the title deeds the then Bagh Hayathnagar Gram Panchayath approved the lay-out in Sy.No.93 of Bagh Hayathnagar Village, the erstwhile L.B.Nagar Municipality and also the present GHMC, L.B.Nagar circle have accorded permission to the members of 1st petitioner-Association for construction of houses as per the layout duly indicating the existing roads therein and the members of 1st petitioner-Association who have constructed houses are also paying property tax to the 2nd respondent. The 3rd respondent is the adjacent colony located in Survey No.91 and 92 of Hayathnagar Village, Ranga Reddy District. Both the survey numbers were adjacent and a road connecting to the main road is passing through these two survey numbers. In the 3rd respondent Society, plot Nos.113, 114, 213 and 214 were specifically earmarked for public purpose i.e., park, hospital and recreation purpose. In the year 2011, the 3rd respondent filed WP.No.26900 of 2011 seeking a direction against the Municipal

Authorities to protect plot Nos.113, 114, 213 and 214 and this Court disposed of the writ petition on 03.11.2011, directing the respondents therein not to allow any person to encroach into the lands earmarked for public purpose. As the matter stood thus, the 3rd respondent along with the 2nd respondent came to Survey No.93 where the petitioners' plots are located and started digging a trench all along the existing government road by cutting the road connecting the colony road. When the petitioners and others enquired the 2nd and 3rd respondents, they threatened that if the work is stopped they will initiate criminal prosecution. Immediately, on 05.11.2014, the petitioners along with others submitted a representation to stop the work but, they have not responded. Thereafter, on 30.12.2014, the 2nd and 3rd respondents along with men and machinery came to the site and dug the trench for construction of basement and wall. Immediately, on 02.01.2015 the petitioners submitted a copy to the 2nd respondent addressing the GHMC requesting to take action to stop the work at plot No.1 of Survey No.93. But, there was no response from the respondents, hence the writ petition.

This Court granted *Status quo* on 07.01.2015 and when the matter came up today, learned Standing Counsel for the 2nd respondent submits that the work is already stopped and that they will take action on the representation of the petitioners dated 05.11.2014 and subsequent representation dated 02.01.2015, after giving notice to the petitioners and the 3rd respondent.

In view of the above, the Deputy Commissioner, Greater Hyderabad Municipal Corporation, circle-3, L.B.Nagar Circle, Hyderabad (2nd respondent) is directed to consider the representation of the petitioner after giving notice to the 3rd respondent and pass appropriate

orders. Till then, *Status quo* shall be continued.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.01.2015
tk.