

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2 OF 2015

ORDER:

This petition is filed for a *Mandamus* declaring the action of the respondents in construction of wall all through the 30 feet road by closing approach to the petitioner plot No.1/E in Survey No.93 of Hayat Nagar Village and Mandal, Ranga Reddy District, as arbitrary and illegal, and for a consequential direction to the respondents 3 and 4 not to allow the construction of wall by closing the road approach to the petitioner's plot.

The case of the petitioner is that she is the owner and possessor of house plot bearing No.1/E, Survey No.93 of Hayat Nagar Village and Mandal, Ranga Reddy District and her plot is in Aditya Nagar Residential Welfare Society and that the layout was approved long back and houses are constructed in their colony. The 4th respondent is the adjacent colony located in Survey No.91 and 92 of Hayatnagar 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 4th 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 4th 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 4th respondent along with the 3rd respondent came to Survey No.93 where the petitioner's plot is located and started digging a trench all along the existing government road by cutting the road connecting the colony road. When the petitioner

and others enquired the 3rd and 4th respondents, they threatened that if the work is stopped they will initiate criminal prosecution. Immediately, on 05.11.2014, the petitioner along with others submitted a representation to stop the work but, they have not responded. Thereafter, on 30.12.2014, the 3rd and 4th 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 petitioner submitted a copy to the 3rd respondent addressing the 2nd respondent 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 and 3rd respondents submits that the work is already stopped and that they will take action on the representation of the petitioner dated 05.11.2014 and subsequent representation dated 02.01.2015, after giving notice to the petitioner and the 4th respondent.

In view of the above, the Deputy Commissioner, Greater Hyderabad Municipal Corporation, circle-3, L.B.Nagar Circle, Hyderabad (3rd respondent) is directed to consider the representation of the petitioner after giving notice to the 4th 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

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