

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 28257 of 2007

Date: 31.12.2007

Between:

Gowrishankar Sanghi

... Petitioner

AND

The Municipal Corporation of Hyderabad
rep., by its Commissioner, Hyderabad
& another.

... Respondents

Counsel for the petitioner : Sri G. Vidyasagar

Counsel for the respondents: Sri Kodanda Rama Rao for
Smt. Kalpana Ekbote

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 28257 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare letter dated 20.11.2007/05.12.2007, as irrational and without jurisdiction. The petitioner also sought for a consequential direction to set aside the said letter.

The only grievance of the petitioner as reflected in the averments contained in the affidavit filed in support of the writ petition and as projected by Sri G. Vidyasagar, learned counsel for the petitioner at the hearing is that the respondents are seeking to utilize a part of the petitioner's premises bearing No.21-2-444 situated at Mittika Sher, Hyderabad for proposed road widening without initiating proceedings under the provisions of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act').

Sri Kodanda Rama Rao representing Smt. Kalpana Ekbote, learned Standing Counsel for the respondents stated that if the petitioner is not willing to surrender the property in pursuance of letter dated 20.11.2007/05.12.2007, the respondents shall not forcibly dispossess the petitioner without initiating the proceedings under Section 147 of the Act.

In view of this statement of the learned counsel, the writ petition is disposed of. The respondents shall not dispossess the petitioner or in any manner interfere with his possession in respect of premises bearing No.21-2-444 of Mittika Sher, Hyderabad without initiating proceedings under the Act.

It is, however, made clear that as and when such proceedings are initiated, the petitioner is at liberty to question the same, if he is so advised.

As a sequel to disposal of the writ petition, WPMP.No.36930 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

Date: 31.12.2007
ES