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(2010) 1 ALD 405 : (2010) 1 ALT 14

Andhra Pradesh High Court

Case No: Writ Petition No. 18663 of 2009

Abdullah Bin Hussain	APPELLANT
Vs	
Greater Municipal Corporation of Hyderabad and Others	RESPONDENT

Date of Decision: Oct. 9, 2009

Citation: (2010) 1 ALD 405 : (2010) 1 ALT 14

Hon'ble Judges: N.V. Ramana, J

Bench: Single Bench

Advocate: Nazir Ahmed Khan, for the Appellant; P.R. Ramachandra Reddy, S.C. for Respondent Nos. 1 and 2, G.P. for Home for Respondent Nos. 3 to 5 and Sharad Sanghi, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

N.V. Ramana, J.
The petitioner claims to be the absolute owner and possessor of the Mulgi bearing No. 3-5-784/A/2 to 6 situated at King Koti, Hyderabad, having acquired the same from his father in succession. According to the petitioner, he let out the entire premises to the unofficial respondents 6 to 8 for running Hi-Line Hotel and Bakery except an extent of 129 Sq. yards of the property consisting of footpath situated behind the Hi-Line Hotel. While so, the petitioner states that the unofficial respondents high handedly encroached the footpath and installed Haleem Bhattis and also constructed Tin Shed thereby causing inconvenience to the pedestrians and also obstruction to the free flow of traffic. Then, the petitioner made representation dated 28-08-2009 to the official respondents for removal of the encroachments made on the footpath and also to cancel their hotel licence. Now, it is his grievance that the official respondents have neither passed any orders on his representation nor took steps for removal of the encroachments i.e. Haleem Bhattis and Tin Shed constructed on the petitioner''s land.

2. The learned Standing Counsel has produced a report dated 8-10-2009 issued by the Assistant City Planner along with some photographs of the land in question and submitted that the unofficial respondents initially encroached the footpath for sometime and made temporary constructions, but later on, they removed those encroachments. As on to-day, there is no unauthorized construction made on the footpath, which fact is clear from the photographs. He further submits that there are civil disputes between the petitioner and the unofficial respondents, as such, the writ petition is not maintainable and the same is liable to be dismissed.

3. Heard the learned Counsel for the petitioner and the learned Standing Counsel for Municipal Corporation of Hyderabad appearing for respondent Nos. 1 and 2, the learned Government Pleader for Home appearing for respondent Nos. 3 to 5 and perused the material placed on record.

4. Whether there are civil disputes between the petitioner and the unofficial respondents is altogether a different matter. Even though there are disputes between the petitioner and the unofficial respondents, the unofficial respondents have no right whatsoever to encroach the footpath belonging to the petitioner and make any constructions therein. However, in view of the report submitted by the 2nd respondent along with the photographs to the effect that the temporary structure alleged to have been made by the unofficial respondents on the footpath were removed after completion of Ramzan Festival, this writ petition is closed. It is made clear that if the unofficial respondents make any encroachments on the footpath, in future, the 2nd respondent - City Planner is directed to take necessary action against them in accordance with law. No costs.