

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
TUESDAY, THE NINTH DAY OF APRIL TWO THOUSAND AND NINETEEN
:PRESENT:

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

IA No. 1 OF 2019
IN
WP NO: 6180 OF 2019



Between:

Gudepu Balaiah, S/o. Komaraiah, Aged 60 years, Occ: Ex.Employee, R/o. H.No.11-4-485/8, Tarakaramanagar, 8 Incline Colony, Godavarikhani Village, Ramagundam Mandal, Peddapally District.

...Petitioner

(Petitioner in WP No. 6180 OF 2019
on the file of High Court)

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Department, Telangana State Secretariat Buildings, Hyderabad.
2. The Commissioner, Ramagundam Municipal Corporation, Ramagundam, Peddapally District.
3. The Mayor, Ramagundam Municipal Corporation, Ramagundam, Peddapally District.
4. The Singareni Collieries Company Limited, Represented by its The General Manager, RG-2 8 Incline Colony, Godavarikhani, Ramagundam Mandal, Peddapally District.

...Respondent(s)

(Respondents in-do-)

Counsel for the Petitioner: M/s. Y. ASHOK RAJ

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

Counsel for the Respondent Nos.2&3: Sri N. PRAVEEN RAO (SC)

Counsel for the Respondent No.4: Sri J. SREENIVASA RAO (SC FOR SINGARENI COLLIERIES)

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 to direct the respondents not to demolish the compound wall of the petitioner in H.No.11-4-485/8, Tarakaramanagar, 8th Incline Colony, Godavarikhani Village, Ramagundam Mandal, Peddapally District, pending disposal of the Writ Petition No.6180 of 2019, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following (The receipt of this order will be deemed to be the receipt of notice in the case)

ORDER:

Learned Standing Counsel for the 2nd and 3rd respondents has placed on record the written instructions, wherein it is stated as under:

"It is submitted that the petitioner constructed the house bearing No.11-4-485/8 at Tarakaramanagar, 8 incline colony, Godavarikhani, Ramagundam Mandal in Singareni Collieries Company Limited land in Sy.No.100 of Allur(v), Ramagundam(M), acquired through charge certificate dated 01.05.1975 (copy enclosed).

It is submitted that the drainage canal running to the southern compound wall of petitioner's house was constructed by Ramagundam Municipality gets into a pucca main canal constructed by Singareni Collieries Company Limited and the said southern side drainage was constructed with cement and concrete Ramagundam Municipality.

It is submitted that the petitioner stated that the said southern side drainage was constructed with mud and the petitioner constructed pucca drain canal on his own expenses is denied.

It is further submitted that the southern side compound wall is constructed exactly on the drainage canal due to which it is very difficult to clean the canal. The southern side drainage and compound wall photos are enclosed for kind perusal".

As per the aforesaid instructions, *prima facie*, the petitioner had constructed the compound wall on the pucca drain canal.

In those circumstances, balance of convenience is not in favour of the petitioner for grant of *status-quo*. The respondents shall, therefore, be entitled to remove only that extent of compound wall, which is constructed on the drain and obstructing the free flow of the drain water and also causing hindrance for clearing the sewage. However, it is made clear that in the event the petitioner succeeds in the writ petition, the respondents shall restore the compound wall with their own expenses.

Sd/- B.SATYA VATHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, Municipal Administration Department, State of Telangana, Telangana State Secretariat Buildings, Hyderabad.
2. The Commissioner, Ramagundam Municipal Corporation, Ramagundam, Peddapally District.
3. The Mayor, Ramagundam Municipal Corporation, Ramagundam, Peddapally District.
4. The General Manager, Singareni Collieries Company Limited, RG-2 8 Incline Colony, Godavarikhani, Ramagundam Mandal, Peddapally District (RR 1 to 4 by RPAD).
5. One CC to M/s. Y. ASHOK RAJ, Advocate [OPUC].
6. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad [OUT].
7. One spare copy.

HIGH COURT

CKRJ

DATED: 09/04/2019

ORDER

**I.A.NO.1 OF 2019
IN
WP.No.6180 of 2019**

STATUS QUO

