

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION No.25752 OF 2015

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Between:

Smt. K. Surya Kumari and other .. Petitioners

And

Secunderabad Cantonment Board,
Rep., by its Chief Executive Officer,
Court Compound, Sardar Patel Road,
Secunderabad .. Respondents

DATE OF JUDGMENT PRONOUNCED: 17.08.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.25752 OF 2015

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ORDER:

Heard learned counsel for the petitioners and learned Standing Counsel appearing for the respondent.

The petitioners stated to have made constructions in the property bearing Plot Nos.18 and 19, Margadarshini Cooperative Housing Society, Rasoolpura, Secunderabad, and seek regularisation thereof. They submitted applications for regularisation after disposal of the appeal on 22.04.2010 by the General Officer Commanding-in-Chief, Southern Command, which was communicated to the petitioners under covering letter of the appellate authority, dated 06.05.2010. Thereafter, the petitioners made a representation, dated 22.12.2010, Ex.P10, seeking regularisation of the objectionable constructions. They also made another representation, dated 16.06.2014, Ex.P12, reiterating their request. Both the said representations are referable to proviso under Section 248 of the Cantonments Act, 2006, which states as under:

“Provided that the Board may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable: Provided further that the Board shall not, without the previous concurrence of the General Officer Commanding-in-Chief, the Command, accept any sum by way of composition under the foregoing proviso in respect of any building on land which is not under the

management of the Board.”

The present grievance of the petitioners is that no orders are being passed by the respondent on the applications and in the meanwhile, they apprehend demolition.

Learned Standing Counsel appearing for respondent states that the Board will consider and pass appropriate orders within a period of three weeks and if necessary, permission of the General Officer Commanding-in-Chief will also be obtained.

Since the petitioners’ applications are pending for quite sometime, as noted above, it would be just and proper to direct the respondent to consider the said applications in accordance with law and pass appropriate orders expeditiously, preferably within a period of three weeks from the date of receipt of a copy of this order and till then not to take any coercive steps against the petitioners property bearing Plot Nos.18 and 19, Margadarshini Cooperative Housing Society, Rasoolpura, Secunderabad.

Subject to the above, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

17.08.2015
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