

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.33174 of 2015

Between:

Boda Priyatham Reddy.

....Petitioner

and

State of Telangana,

Rep.by its Principal Secretary – Irrigation,

Secretariat, Hyderabad,

And others.

....Respondents

JUDGMENT PRONOUNCED ON : 08.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No
Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.33174 of 2015

ORDER:

The petitioner is stated to have purchased an extent of 450 square yards in plot No.63 under a registered sale deed dated 07.06.2002, and also another extent of 300 square yards in plot No.64 under a registered sale deed dated 18.09.1998. The vendors purchased the said plots from one M/s.Amar Society. The petitioner obtained permission for construction vide proceedings dated 03.09.2002 and constructed residential buildings. The said Amar Society originally purchased an extent of Acs.15.23 guntas in Survey No.47, Guttala Begumpet Village, Madhapur, from the original land owners and after obtaining sanction from the Hyderabad Urban Development Authority, it prepared a layout and the plots are forming part of the sanctioned layout. Now, proceedings are issued by the Special Grade Deputy Collector – the second respondent, stating that the said constructions were within the FTL area of Durgam Cheruvu, which were marked by the Irrigation authorities at Madhapur and Guttala Begumpet Villages of Serilingampally Mandal, and it is stated that an extent of 350 square yards was covered in that area and the petitioner is asked to remove the constructions within fifteen days. Challenging the same, the present Writ Petition is filed.

A reading of the impugned proceedings dated 26.09.2015 shows that it was issued under Section 7 of the Andhra Pradesh (Telangana Area) Irrigation Act, 1357 Fasli, and it is not a show cause notice, but a final order asking the petitioner to remove the alleged encroached area. When the petitioner had constructed the building after obtaining permission from the competent authority, no final order can be passed without issuing a show cause notice.

In the circumstances, the impugned proceedings dated 26.09.2015 are directed to be taken as show cause notice and liberty is given to the petitioner to submit explanation within a period of fifteen days from the date of receipt of a copy of this order and after receipt of the explanation, the second respondent shall pass appropriate orders in accordance with law. It is open to the petitioner to raise all contentions that are available in law.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.10.2015

vs

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