

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.28422 OF 2010

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed to declare the action of the respondents in allotting plot Nos.173, 174, and 175, admeasuring 717.5 square yards in Survey Nos.687 and 688 of Shamshabad Village and Mandal, Ranga Reddy District, which was demarcated to park area for the petitioner colony as per the lay out sanctioned by the Gram Panchayat on 06.06.1997 to a third party, as illegal and arbitrary and consequently direct the respondents not to allot the said property to any third party.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

Petitioner is the Welfare Association of Brindavan Colony, Shamshabad, Ranga Reddy District. The case of the petitioner is that an extent of 717.5 square yards of vacant site, situated in plot Nos.173, 174 and 175, was earmarked to park area as per the lay out sanctioned by the Gram Panchayat. But, suddenly, the 1st respondent took a decision to allot the said park area to a third party. Aggrieved over the said action of the 1st respondent, the petitioner filed the present writ petition.

The 1st respondent filed a counter affidavit stating that the open place in plot Nos.173, 174 and 175 of Brindavan Colony is earmarked for community purpose but not for park area, that the Gram Panchayat had passed a resolution on 05.10.2001 to exchange plot Nos.173 and 174 with one Smt. Chintala Annapurna by taking the site of said Annapurna, which is situated behind the Gram Panchayat office for Dining Hall / Community Hall purpose to the Gram Panchayat. It is further stated that a writ petition in W.P. No.21759 of 2002 was filed

aggrieved by the said resolution and the same was dismissed.

At this stage, learned Standing Counsel for the 1st respondent informed this Court that now the Gram Panchayat has passed a resolution to the effect that not to alienate the said Plot Nos.173, 174 and 175 of Brindavan Colony, earmarked for the purpose of park area, in favour of any third party and the same would remain as open plot for public purpose of the colony.

Recording the said submission, the writ petition is disposed of. There shall be no orders as to costs. Consequently, the miscellaneous petition pending, if any, shall stand closed.

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RAJA ELANGO, J

January 21, 2015.

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