

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.26199 of 2015

DATED :19.08.2015

Between :

Smt. Vazirani Mohini Haresh W/o.Vazirani Harish,
Aged about 50 yrs, Occu : Business,
R/o.H.No.9-4-116/26, Balreddy Nagar,
Tolichowki, Hyderabad & another.

.. Petitioners

and

The Hyderabad Water Supply & Sewerage Board,
Rep., by its Managing Director,
Madapur, Hyderabad.

.. Respondent

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.26199 of 2015

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ORDER :

The petitioners claim to be the owners and in possession of property bearing Municipal No.2-62/1/P/4 in Plot No.8 & 10 in Sy.No.136, Gachibouli Village, Serlingampally Mandal, Ranga Reddy District. According to the petitioners, they have undertaken construction in accordance with the building permission granted to them. However, some Organization claimed to be Telangana Sena, complained against the petitioners alleging that there is a drinking water pipe line going through the subject property and no construction can be taken up, which may result in damage to the said water pipe line during the construction or afterwards and also the petitioners have encroached on to the public road.

2. This writ petition is filed alleging not taking action on the representation submitted by the petitioners on 15.07.2015 for removal of water pipe line passing through the property of the petitioners and because of existence of the pipe line, an objection was raised by the local people against construction of building, though property belongs to the petitioners and that they have obtained valid permission from the GHMC. According to the learned counsel for the petitioners it is illegal on the part of the respondent-Board in not removing the erected pipe line passing through a private property and not allowing the petitioners to undertake construction of houses within their property.

3. Learned Standing Counsel on instructions submit that water pipe line was laid more than 20 years ago, on the road margins. At no point of time, objection was raised on existence of such water pipe line. This water pipe line is of 500 mm dia, which connects Gachibowli village road to Kothaguda main road, to an extent of 32 rmt and it supplies, drinking water to Gachibowli, Kothaguda and Madhapur. According to learned standing counsel there was no encroachment of private property and that pipe line was laid on the road margin. Learned standing counsel further submits that it is for the petitioners to assert their title over the land and unless and until, it is proved, the petitioners

cannot insist for shifting of water pipe line. Learned standing counsel further submits that shifting of water pipe line would cost more than Rs.50 Lakhs to the public ex-chequre.

4. As per copy of the report submitted to the Division Bench in PIL No.122 of 2015, which is furnished today, there exists a water pipe line for the last 20 years and according to the respondent-Board, such pipe line was laid on the road margin and there was no encroachment. Unless petitioners establish that pipe line was laid in a private property and such property belongs to them, they cannot compel the respondent-Board to remove the pipe line. The petitioners have to work out civil law remedies to establish their right and title over the subject property. Therefore, I do not see any merit in the writ petition and accordingly, it is dismissed leaving it open to the petitioners to work out their remedies as available in law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

19th August, 2015.
Rds

P.NAVEEN RAO,J