

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.5426 of 2015

-

09.11.2015

Between:

Akula Venkateswarlu and others

.. Petitioners

and

The State of Telangana,

represented by its Principal Secretary,

Municipal Administration and Urban Development,

Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Hari Sredhar

Counsel for respondent No.1: Government Pleader

for Municipal Administration and Urban Development (TS)

Counsel for respondent No.2: Mrs.P.Laxmi,

standing counsel for Municipalities

Counsel for respondent No.3: Mr.M.Ajay Kumar,

standing counsel for Kakatiya Urban Development Authority (KUDA)

The Court made the following:

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed with the grievance that respondent No.2 has not been implementing G.O.Rt.No.789, Municipal Administration & Urban Development (W.1) Department, dated 23.06.2011, by constructing a cross bund between the lands in survey Nos.865, 867, 868 and 875 of Hanamkonda, Warangal District and of Badri Tank/Badrakali Tank, Hanamkonda, Warangal District. The petitioners sought for an alternative direction to the respondents to remove the fore shore bund on the southern side of Bhadrakali Tank allowing free flow of excess water from the tank towards its southern side, in case, the respondents have any difficulty in constructing the cross bund or directing the respondents to acquire patta lands of the petitioners and pay compensation to them.

As regards the main prayer referred to above, on behalf of respondent No.2 Corporation, a counter-affidavit is filed, wherein it is, *inter alia*, stated that the entire location at which cross bund is permitted to be raised falls within the FTL of

Badrakali tank and that a detailed letter *vide* Lr.Roc.No.G2/TPO/37977/2009, dated 22.02.2012, was addressed by the Commissioner of respondent No.2 to respondent No.1 with a request to reconsider the decision *vide* G.O.Rt.No.789, dated 23.06.2011, in order to avoid raising of the bund.

The learned Assistant Government Pleader for Municipal Administration and Urban Development (TS) submitted that the latter has not received any information from respondent No.1 on the aforesaid letter.

In my opinion, before this Court considering the reliefs claimed in this writ petition, it is appropriate that respondent No.1 takes a decision on the request of respondent No.2 for cancelling its earlier proceeding permitting construction of bund.

Therefore, respondent No.1 is directed to consider the aforementioned letter, dated 22.02.2012, addressed by the Commissioner of respondent No.2 and take a decision. Before such decision is taken, it shall give notice to petitioner No.1 in his representative capacity on behalf of himself and other petitioners. On receipt of such notice, petitioner No.1 is permitted to submit his objections to the abovementioned letter, dated 22.02.2012, of the Commissioner of respondent No.2 and also claim all the alternative reliefs which are claimed in this writ petition. Respondent No.1 shall consider the objections of the petitioners in detail, take an informed decision and communicate the same to the petitioners as well as respondent No.2 within a period of three months from the date of receipt of a copy of this order. The petitioners' right to avail further remedies will depend upon the decision that may be taken by respondent No.1.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.Nos.7218 and 45874 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

09th November, 2015

GHN