

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.15305 OF 2005

ORDER:

This writ petition is filed challenging the inaction of the respondents-authorities in considering the representations dated 29.06.2004, 06.11.2004 and 04.01.2005 of the petitioner and proceeding to sell the property of the petitioner over an extent of 2,700 sq. yards in premises bearing No.1-7-47 to 54 and 64, S.P. Road, Secunderabad for commercial exploitation.

Heard Sri T.S. Praveen Kumar, learned counsel for the petitioner, learned Government Pleader for Revenue (TG) and Smt G. Jyothi Kiran, learned standing counsel for the Municipal Corporation.

It is the case of the petitioner that he is a Honorary Secretary of the Bharat Scouts & Guides, which is a registered Association established in the year 1907, with an intention to give training of Scout to the youth and it is a non political, non religious, voluntary character building International Movement for youth, irrespective of place of origin, birth, caste or creed promoting them in balanced mental and physical development, self confidence while being helpful to others. The main objective of the petitioner is service. For that purpose, a branch in the name of 'Bharat Scouts and Guides' was established in Secunderabad in the land and buildings given by the then Military Authorities in the year 1933 and since then onwards, it has been continuing till date. It is further averred that the Government of India under a sale deed dated 10.10.1933 sold the buildings, fencing and hedges admeasuring about 7,156.22 sq. yards for a valuable consideration of Rs.12,000/- and as per the conditions in the said sale

deed, the petitioner was required to obtain lease of the land as per the rules for the administration of Secunderabad and Aurangabad Cantonments by the Trustees of the purchaser. Subsequent thereto, under a lease No.385 dated 01.04.1936, the lease was obtained initially for 30 years renewable at the option of the lessee up to 90 years was granted in favour of the petitioner for an extent of Ac.1.45 cents. The lease was further renewed after a lapse of 30 years i.e., from 16.4.1966 and was valid till 15.4.1996 and thereafter even though the petitioner exercised its option for renewal for the second time, the same was not granted and ultimately the Government of Andhra Pradesh represented by the Estate Officer, Secunderabad executed a conveyance deed dated 19.08.2000 converting the very lease hold land of Ac.1.45 cents to free hold land of 4,318 sq. yards bearing premises No.1-7-47 to 54 and 64, S.P. Road, Secunderabad. It is stated that while giving the said conveyance with respect to 4318 sq. yards in favour of the petitioner, the respondents have made a paper panchanama showing as if the balance extent of 2700 sq. yards is taken under their control from the petitioner. Thereafter, the petitioner has been continuously making representations to the respondents stating that the above said land of 2,700 sq. yards are assigned for the purpose of organization and requested to re-allot the said land as per the provisions of G.O.Ms.No.816 Rev.(Assn.III) Department dated 9.8.1994. But, the respondents did not take any steps to consider the same so far. Hence, the present writ petition has been filed by the petitioner.

Even as per the averments of the writ affidavit, the petitioner was given the free hold land of 4,318 sq. yards and the said land was sought to be taken over and put to public auction and challenging the same, the present writ petition is filed.

A detailed counter-affidavit filed by the District Collector.

While admitting the writ petition on 14.07.2005, this Court gave a liberty to the petitioner to file his objections and which shall be considered by the District Collector. Pursuant to the interim orders granted by this Court, a notice was issued by the Joint Collector, Hyderabad District on 28.7.2005, to the petitioner and others and the petitioner filed his objections on the same day. After considering the objections filed by the petitioner, the Joint Collector rejected the request of the petitioner on 1.9.2005 holding that the petitioner is not eligible for granting of the land over an extent of 2,700 sq. yards.

Learned counsel for the petitioner submits that the order dated 1.9.2005, remains unchallenged.

Having considered the facts and circumstances of the case and especially in view of the rejection of the claim of the petitioner, nothing survives in the present writ petition.

Accordingly, the writ petition is closed. No order as to costs.

Miscellaneous Petitions, if any pending in this writ petition shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

Date:27.10.2015.

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