The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.37141 of 2015

Dated 16.11.2015

Between:

Atkapuram Radha and 5 others

... Petitioners

and

The State of Telangana

rep. by its Principal Secretary

Municipal Administration &
Urban Development Department,

Hyderabad and 5 others

...Respondents

Counsel for the petitioners: Mr.Sri A.Prabhakar Rao

Counsel for respondent No.1: AGP for Municipal Administration (TS)

Counsel for respondent No.2: AGP for Panchayat Raj (TS)

Counsel for respondent Nos.3 to 5: AGP for Revenue (TS)

Counsel for respondent No.6: None appeared

The Court made the following:

<u>O r d e r :</u>

The grievance of the petitioners is that the respective applications filed by them for grant of permissions for construction of houses over their lands admeasuring Acs.3-29 guntas situated in Survey Nos.320, 321 and 322 are not being disposed of by respondent No.6, obviously, based on letter, dated 28-04-2015, addressed by respondent No.5 to the former.

From the pleadings of the petitioners and the material filed by them, it appears that the dispute pertains to whether the above-mentioned lands, over a part of which the petitioners are seeking to construct buildings, are part of ceiling surplus lands or not. Respondent No.5 has addressed the above-mentioned letter to respondent No.6 wherein he has claimed that the lands in Survey Nos.320, 321 and 322 are ceiling surplus lands.

However, Mr.A.Prabhakar Rao, learned Counsel for the petitioners, has seriously disputed the above claim and placed reliance on the counter-affidavit of the Revenue Divisional Officer in WP.No.24246 of 2003, which was filed by the petitioners' predecessors in title. According to the learned Counsel, in the said counter-affidavit, the deponent thereof has categorically averred that the land in the above-mentioned three survey numbers was excluded from the declaration of the declarant under the Andhra Pradesh Land Reforms Ceiling on Agricultural Holdings Act, 1973, and that therefore, the communication addressed by respondent No.5 to respondent No.6 does not reflect the true position. He has also relied upon Order, dated 31-10-2015, passed in the said Writ Petition, which has extracted the letter addressed by the Mandal Revenue Officer, Bhupalpalli, to the Revenue Divisional Officer, Mulug, and the finding rendered thereon and the direction issued by this Court in Paragraph 8 of the said order.

I am not inclined to examine the submissions of the learned Counsel referred to above and render a conclusive opinion thereon at this stage because respondent No.6 has to first examine these issues after entertaining the petitioners' applications for grant of building permissions. Therefore, respondent No.6 is directed to entertain the applications that may be filed by the petitioners, issue notices to them, hold an enquiry wherein he shall give them an opportunity of personal hearing and based on the material that may be produced by them, take a decision as to whether they are entitled to grant of building permissions or not and communicate the decision to them within one month from the date of receipt of the applications.

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

As a sequel to disposal of the Writ Petition, WPMP.Nos.47811 and 47812 of 2015, filed by the petitioners for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 16th November, 2015

LUR