

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

WRIT PETITION NO.40875 OF 2015

DATED:16-12-2015

Between:

G. Pentaiah ... Petitioner

And

The State of Telangana
Rep. by its Principal Secretary
Municipal Administration & Urban Development
Secretariat Buildings
Hyderabad
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Ramamohan Mahadeva

COUNSEL FOR RESPONDENT NO.1: A.G.P. for Municipal
Administration

(TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus declaring the action of respondent No.3 in seeking to raise compound wall occupying Ac.0.10 gts., in Sy. No.797 of Uppal Khasala Village, Ranga Reddy District, allegedly belonging to the petitioner, as illegal and arbitrary.

The petitioner claims to be owner of Ac.0.16 gts., in Sy. No.797 of Uppal Khasala Village, adjoining the layout developed by Balaji Enclave, Uppal. It appears, in order to protect the open spaces vested in respondent No.2, respondent No.3 started raising compound wall around the said open spaces in Balaji Enclave. The petitioner made a representation on 16.09.2015 to respondent No.3 claiming that the compound wall is being raised around Ac.0.16 gts., of land belonging to him. Responding to the said representation, respondent No.3 has addressed letter dt.18.9.2015 to the Tahsildar, Uppal Mandal, requesting him to demarcate the agricultural land and the Greater Hyderabad Municipal Corporation (GHMC) open space in Balaji Enclave in order to complete the construction of the compound wall at the earliest. It is the pleaded case of the petitioner that even before the land as requested by respondent No.3 is demarcated by the Tahsildar, respondent No.3 has been proceeding with further construction of the compound wall.

Mr. Pasham Krishna Reddy, learned Standing Counsel for the GHMC, on instructions, submitted that on the representation made by the petitioner, respondent No.3 has stopped further construction of the compound wall in order to get the land demarcated and accordingly he has addressed a letter to the Tahsildar, Uppal, for demarcation of the land. He has further submitted that so far, the Tahsildar has not demarcated the land and sent his report to respondent No.3, and till

report of the Tahsildar is received, respondent No.3 will not raise further construction.

In the light of the above noted facts and submissions of the learned Standing Counsel, the writ petition is disposed of with a direction to respondent No.3 not to raise further construction till demarcation as requested by him is completed by the Tahsildar, and report is received. As and when the report is received from the Tahsildar, respondent No.3 shall take a decision and communicate the same to the petitioner, before taking further steps.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.52765 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

16-12-2015

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