

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12914 OF 2015

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Date: 09.06.2015

Between :

Syeda Laiqunnisa Begum, d/o.late Syed Mohiuddin,
Aged about 60 years, Occu:Household, r/o.Plot No.3,
Ranjan Colony, Kalapather, Hyderabad, rep.by its
GPA Holder Krishna Kumar, s/o.late Kishtaiah,
Aged about 46 years, R/o.H.No.19-5-365/1/A,
Bahadurpura, Hyderabad

... Petitioner

and

The State of Telangana, rep.by its Principal
Secretary, Municipal Administration,
Secretariat, Hyderabad and others.

... Respondents

The Court made the following:

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ORDER:

The case of the petitioner is that his father owned property admeasuring Ac.12.00 guntas in Sy.No.391 (old)/ Sy.No.219-220 (new) in Road No.5, Banjara Hills, Hyderabad. Said property was purchased by the father of the petitioner from Sarfekas Mubarak in 1334 fasli. Petitioner being the legal heir inherited the said property by virtue of memorandum of gift dated 16.03.1966. Petitioner is in possession and enjoyment of the said property. Rival claim is made by the respondents 5 to 7 and by making false declaration regarding ownership, respondents 5 to 7 obtained building permission from the Greater Hyderabad Municipal Corporation on 22.05.2013. Petitioner was not put on notice before granting such permission. Having come to know that such permission was granted, petitioner preferred revision before the Government on 28.10.2014. Along with revision, petitioner has also moved two interlocutory applications seeking stay of the proceedings of the Greater Hyderabad Municipal Corporation and also to stay of constructions by the respondents 5 to 7. Alleging that revision petition is not disposed of till date and on the contrary, respondents are proceeding to undertake construction of the building, this writ petition is instituted.

2. Learned counsel for the petitioner contends that illegal permissions were granted affecting the right of the petitioner and petitioner is ventilating his

grievance by way of filing applications and Government has bounden duty to consider such revision expeditiously and to pass appropriate orders and there is no justification to keep the revision petition pending for such a long time. He further contends that there is no justification on the part of the respondent-Government in not passing orders on interlocutory applications moved and allowing the respondents 5 to 7 to undertake constructions.

3. Learned Government Pleader produced Memo No.7099/M1/2015, dated 06.06.2015, which discloses that revision is pending with the Government. It appears that matter was referred to the Commissioner, Greater Hyderabad Municipal Corporation to furnish detailed report on the contentions urged in the revision and the Government is awaiting for submission of the report by Commissioner.

4. As contended by the learned counsel for the petitioner, there is no justification to keep the revision pending for such a long time. The memo dated 06.06.2015 also do not disclose the reasons for keeping the revision pending. It also does not disclose whether notices are issued to the respondents 5 to 7. It shows lack of seriousness in dealing with statutory revision by the competent authority and allowing constructions to take place in the mean time.

5. Having regard to the same, the writ petition is disposed of directing the Government to take steps for expeditious disposal of the revision petition filed by the petitioner, preferably within a period of six weeks from the date of receipt of a copy of this order. The affected party shall also be put on notice indicating clear date of hearing and revision should be considered on day to day basis. It is also open to the petitioner to request the Government to grant orders in interlocutory applications pending before the revisional authority if there is delay in disposal of the revision petition.

Miscellaneous petitions if any pending in the writ petition shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 09.06.2015

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