

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

WRIT PETITION NO.2732 OF 2015

DATED:19-11-2015

Between:

Shalivahana Nagar Welfare Association (Regd. No.792/1985)

Rep. by its General Secretary

Sri G. Raghuvaran

Shalivahana Nagar,

Hyderabad ... Petitioner

And

The State of Telangana

Rep. by its Principal Secretary

Municipal Administration and

Urban Development

Secretariat

Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. C. Hari Preeth

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

(TS)

COUNSEL FOR RESPONDENT NO.2: -

COUNSEL FOR RESPONDENT NO.3: -

THE COURT MADE THE FOLLOWING:

ORDER:

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The petitioner, who claims to be the welfare association of Shalivahana Nagar, filed this writ petition, feeling aggrieved by the inaction of respondent No.3 in responding to its representation for payment of maintenance amount for the upkeep of the park in the petitioners' colony.

At the hearing, there is no representation for the respondents.

A perusal of the record shows that on 31.10.2014 the petitioner has addressed a

letter to respondent No.3 wherein it is *inter alia* stated that hitherto respondent No.2 was paying maintenance amounts to unauthorized persons and that as the petitioner is a newly elected body, the maintenance amount may be paid to it. The grievance of the petitioner is that respondent No.2 has neither paid the maintenance amount nor rejected the petitioner's request.

The petitioner has failed to indicate the basis of its claim for payment of maintenance of amount. The petitioner can claim enforceable right only if payment of maintenance amount is envisaged by a statutory provision or at least a scheme formulated by respondent Nos.2 and 3. As no plea in this regard has been raised, no mandamus can be issued to respondent Nos.2 and 3 directing payment of such maintenance amount. However, if respondent No.3 has received representation from the petitioner, he shall consider the same in accordance with the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Rules made thereunder or the scheme/executive instructions, if any, regarding payment of amount for upkeep of the parks in colonies. He shall pass a speaking order and communicate the same to the petitioner within one month from the date of receipt of this order.

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.3666 of 2015 and 27267 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

19-11-2015

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