

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.11159 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the inaction of the respondents in not disposing the petitioner's application dated 13.03.2014 seeking permission to raise compound wall with a gate and servant rooms in the petitioner's property over land admeasuring Ac.26.00 in Sy.No.1007/A of Kukatpally Village, Kaithalapur, Balanagar Mandal, R.R.District as illegal and arbitrary.

It is the case of the petitioner he is the absolute owner and possessor of the agricultural land bearing Sy.No.1007/A situated at Kukatpally revenue village, Kaithalapur, Balanagar Mandal, R.R.District, having purchased the same under sale deed dated 13.05.1983 executed by Pilli Bala Mallaiah and others for valuable consideration and the said sale deed was regularized under the provisions of ROR Act by the Mandal Revenue Officer, Balanagar Mandal, vide proceedings dated 30.11.1990 and pahanies have been issued for the years 1991 to 1994. Subsequently, when there was an omission in the said entries, he was constrained to apply for correction of those entries before the Revenue Authorities which is still pending consideration. It is stated that the possession of the petitioner over the subject land was confirmed by the Additional Mandal Revenue Inspector and Mandal Surveyor vide letter dated 15.12.2010 addressed to the Dy. Collector and Tahsildar, Balanagar Mandal and that the said land is vacant land. The Mandal Revenue Officer issued 13-B proceedings in favour of the petitioner and same was confirmed in the proceedings before the Joint Collector, R.R.District while reiterating the fact that the mutation proceedings were issued in his favour during his tenure as M.R.O, Balanagar Mandal, between 17.10.1990 to 31.07.1991.

When petitioner made an application for permission to construct compound wall on 29.03.2014, the respondent Corporation issued proceedings dated 15.10.2014 stating that the petitioner has to obtain clarification from the Tahasildar (Dy. Collector Cadre)/Collector with localization of scheduled

plots/land boundaries, within the Sy.No.1007 with duly enclosing the attested copies of pahanies/ROR proceedings with sub-division sketches, for taking further action in the matter. The petitioner made representation on 06.11.2014 along with certificate issued by M.R.O stating that he has complied with the objections raised in letter dated 15.10.2014 along with the proceedings of the Tahsildar and other documents. But till today, no action is being taken on the representation of the petitioner for construction of compound wall. It is stated that unless permission is granted for construction of compound wall, petitioner will not be able to protect his possession over the subject land. Aggrieved by the same, the present writ petition is filed.

Heard Sri E.Phani Kumar, learned counsel for the petitioner as well as Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC submits that already petitioner's case is pending with the authorities.

In view of the submission of the learned Standing Counsel for GHMC, the 2nd respondent is directed to take a decision on the representation of the petitioner within a period of two (2) weeks from the date of receipt of a copy of this order for grant of permission to construct compound wall in accordance with law.

With the above direction, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY, J

30.04.2015

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WRIT PETITION No.11159 OF 2015

Date: 30.04.2015

kvs