

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA  
PRADESH

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WRIT PETITION No. 28322 of 2015

**BETWEEN**

N.Maheswar Rao

**... PETITIONER**

**AND**

SEcundeabad Cantonment Board, rep. by its Chief Executive Officer,  
S.P.Road, SEcunderabad.

**...RESPONDENTS**

Date of Order pronounced: 03.09.2015

**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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|----------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals?    | Yes/No |
| 3. Whether his Lordship wish to see the<br>fair copy of the Judgment?            | Yes/No |

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**ORDER:-**

Heard learned counsel for the petitioner and Mr. Sajja Srinivasa Suryam, learned counsel for the respondent.

2. The present writ petition questions the proceedings of the Chief Executive Officer, Cantonment Board, dated 19.08.2015 whereunder petitioner's application for construction of compound wall for plot No.15 in Survey No.74/9 of Seva Mandal Society, East Maredpally, Secunderabad was returned with objections.

3. Learned counsel for the petitioner states that though the proceedings state that it was returned, the objections show that petitioner's application is rejected and will not be considered unless a rectification deed correcting the area of plot is filed.

4. Both the said contentions of the learned counsel for the petitioner do not appear to be correct and the Chief Executive Officer has merely returned the plan to enable the petitioner to resubmit and it is open for the petitioner to submit his explanation with regard to the objection so as to clarify to the Chief Executive Officer that the objections are not sustainable.

5. Learned counsel for the petitioner states that though the sale deed area is shown as 444.44 area the sanctioned lay out is only with regard to 386 sq. yds., and his request for grant of permission is only for 388 sq.yds., and as such there is no impediment for considering the said request as the petitioner is not seeking any sanction for any area over and above the area shown in the title document.

6. I find substance in the said contention inasmuch as if the petitioner holds a larger area as per the title document and seeks to construct in a smaller part thereof, as per the sanctioned lay out, it is open for the respondent-board to consider petitioner's application only to the extent of land as per sanctioned lay out ignoring the larger extents as shown in title document. Consequently, therefore the requirement on the petitioner that he should produce rectification deed does not appear justified. However, it is for the petitioner to explain all these circumstances by

resubmitting the plan together with the explanation. If petitioner resubmits the plan, the respondents shall consider the same in accordance with law and pass appropriate orders expeditiously.

With the above direction, writ petition is disposed of.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

September 1, 2015

**LMV**