

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

WRIT PETITION NO.39479 OF 2015

4TH DECEMBER, 2015

Between:

Mir Afsar Ali and others

.. Petitioners

and

The State of Telangana rep. by its
Principal Secretary, Home Department,
Secretariat, Hyderabad, and others.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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ORDER

The prayer of the petitioners is in the following terms:

“For the reasons stated in the accompanying affidavit, the Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly on in the nature of Writ of Mandamus declaring the action of the Respondents in proceeding with Bhoomi Pooja and construction of high-rise complex on the land belonging to the petitioners admeasuring Acs.5-00 in Survey No.129/103 correlated to Town Survey Nos.4 (Part) & 5 (Part), Block-'H' Ward-10 and T.S.No.24(part), Block-H, Ward No.9, Shaikpet Mandal, situated at Road No.12, Banjara Hills, Hyderabad, as malafide, arbitrary, illegal, against violation of principles of natural justice and in violation of the orders passed by the Hon'ble High Court dt: 02-12-2010 in W.P.No.29269/2010 and in violation of the undertaking given by the District Collector, Hyderabad in C.C.No.38 of 2011 as well as against the orders passed by the Hon'ble High Court, dated

11-03-2011 in C.C.No.38 of 2011, as well as against the orders dated 13-02-2001 passed in W.A.Nos.859/1999 and batch and orders dated 29-06-2009 in W.P.No.3367 of 2009 and consequently restrain the respondents from proceeding with any type of construction in the land belonging to the petitioners admeasuring Acs.5-00 in Survey No.129/103 correlated to Town Survey Nos.4 (Part) & 5 (Part), Block-'H' Ward-10 and T.S.No.24(part), Block-H, Ward No.9, Shaikpet Mandal, situated at Road No.12, Banjara Hills, Hyderabad, and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Perusal of the order dated 11.03.2011 passed by this Court in C.C.No.38 of 2011 reflects that the learned Government Pleader appearing for the State undertook before this Court that till the disposal of

the application filed by the petitioners seeking regularization in respect of the disputed land, the Police Department or any other Government functionaries would not raise further constructions of any nature over the same.

Sri A. Sudhakara Rao, learned counsel for the petitioners, fairly concedes that there is no direction or undertaking contained in the order dated 13.02.2001 passed in W.A.No.859 of 1991 and batch and the order dated 29.06.2009 passed in W.P.No.3367 of 2009, which has any role to play in the matter.

Sri Mahender Reddy, learned Special Government Pleader, placed before this Court a copy of Memo No.22213/Assn.II/1/2007 dated 02.11.2015 issued by the Principal Secretary to the Government, In-charge, Revenue (Assignment.II) Department, Government of Telangana, Hyderabad, rejecting the request of Smt. Ghousia Begum through her GPA holders for regularization of the land admeasuring Acres 5.00 in the fictitious Sy.No.129/103 of Shaikpet Village and Mandal, Hyderabad District.

As the application referred to by this Court in C.C.No.38 of 2011 has been rejected, the undertaking given before this Court also ceases to operate. The prayer of the writ petitioners in terms of the same therefore no longer survives for adjudication.

The writ petition is devoid of merit and is accordingly dismissed. This order shall however not preclude the petitioners from availing appropriate remedies in accordance with law if they are aggrieved by the Memo dated 02.11.2015.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

4th DECEMBER, 2015
PGS