

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WEDNESDAY, THE THIRD DAY OF JUNE TWO THOUSAND AND FIFTEEN

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.15481 of 2015

Between:

M/s.Satya Constructions, represented by Smt. T. Samyukta Reddy,
W/o.T.Satyanarayana Reddy, Aged: 55 years, occ:Business, R/o.1-65/2,
Guttala Begumpet, Madapur, Hyderabad.

.. Petitioner

AND

The State of Telangana represented by its Principal Secretary Panchayat Raj,
Secretariat Building, Hyderabad and 2 others.,

.. Respondents

The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.15481 of 2015

ORDER

Petitioner claims to be the owner and possessor of the property situated in Sy.Nos.114 and 119 of Chengicherla Village, Ghatkesar Mandal, Ranga Reddy District, to an extent of Acs.02.07 gts. Petitioner claims to have applied for layout permission to the Gram Panchayat and obtained permission and also constructed a compound wall around the layout in the year 2008. Petitioner

claims to have paid an amount of Rs.2,00,000/- to the Hyderabad Urban Development Authority for regularization of the layout and the same is pending consideration. While so, on 29.04.2015, a notice was issued by the Gram Panchayat Chengicherla, stating that the colony is not a gated community and therefore, why the compound wall constructed should not be removed and sought for explanation from the petitioner within 7 days. Petitioner claims to have issued a reply in the form of legal notice. Challenging the notice dated 29.04.2015, the present writ petition is preferred.

2. Learned counsel for the petitioner submits that as the application filed by the petitioner for regularization of the layout is pending consideration before the Hyderabad Metropolitan Development Authority (HMDA), at this stage, the question of taking action against the petitioner or directing it to remove the compound wall does not arise and the Gram Panchayat should await till a final decision made by the HMDA. Learned counsel further submits that the Authority competent to take action under Adnhra Pradesh Gram Panchayat Land Development (Layout and Building) Rules, 2002 (Rule 33) is the D.P.O., whereas the present notice is issued by the Executive Officer.

3. Sri G. Narender Reddy, learned Standing Counsel for second respondent Gram Pachayat, submits that since no explanation is received by the Gram Panchayat within the stipulated period, a portion of the compound wall obstructing the passage was removed. He further submits that the Executive Officer is competent to issue the notice. He also submits that prior to the present notice, other notices were issued and this was the final notice.

4. As seen from the averments and the material placed along with the writ affidavit, the petitioner obtained layout permission from the Gram Panchayat and constructed a compound wall around the layout and subsequently, he realized that it was illegal and applied to the HMDA for regularization of the said layout by paying requisite fee and the same is pending consideration. However, as seen from the material on record, even assuming that such application is filed with reference to the regularization of the layout and even assuming that

the layout is regularized, constructing the compound wall around the layout is entirely different aspect and not relating to the regularization of the layout. It is no where stated in the writ affidavit and the material papers filed also do not disclose that a compound wall was shown as part of the layout and permission was granted by the Gram Panchayat. Thus, it cannot be said that the Executive Officer erred in issuing the notice and it cannot be said that he was not competent to issue such notice.

5. It appears from the record that no explanation is filed by the petitioner, but legal notice was issued as a reply to the notice issued by the Executive Officer on 29.04.2015. Having regard to the same, the petitioner is granted liberty to file a detailed explanation dealing with all the aspects concerning the layout, within a period of three weeks from today. As and when such an explanation is received, the Executive Officer (second respondent) shall consider the same and pass a reasoned order and communicate the same to the petitioner. Till such orders are passed, *status quo* obtaining as on today shall be maintained.

6. The Writ Petition is, accordingly, disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

3rd June, 2015

sj