

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

WRIT PETITION No.24703 of 2015

Between:

Md. Iqbal Ali,
S/o. Khairath Ali, Aged about 55 years,
Occ: Business, R/o. 1-2-100/15/2,
Nirmal Town, Adilabad District,
GPA Holder of Maimuna Begum,
W/o. Abdul Hameed Khan,
Aged 80 years, R/o. Near Kamal Talkies,
Nirmal, Adilabad District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Prl. Secretary,
Municipal Administration Department,
Secretariat, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 07.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to be the owner of house bearing No.4-1-23, admeasuring 500 square yards, situated near Junior College, Nirmal Town, Adilabad District. According to the petitioner, the respondents granted permission on 24.04.1986 for the very same property. Mutation was also affected on 19.05.1986. The petitioner claimed to have applied again for permission to construct a house and compound wall and permission was accorded on 19.06.1987. However, the petitioner could not undertake the construction of house and compound wall due to financial constraints. The petitioner made further application on 23.02.2012. In response to the said application, the impugned notice is issued to the petitioner on 18.02.2014. The petitioner was informed that as per the assignment documents, the site boundaries are not tallying and the petitioner was asked to locate the site by demarcating the land with the assistance of survey authorities and submit the Panchanama for location with Sketch Map.

2. The averments in the affidavit filed in support of the writ petition are silent on the steps taken by the petitioner after the above notice. Learned counsel for the petitioner submits that the petitioner has met the officers several times and explained them the ownership and title. He has also claimed to have submitted the decree passed in his favour in O.S.No.11 of 2002 by Senior

Civil Judge, Nirmal, dated 18.09.2006. However, there is nothing on record to show that the petitioner has approached the authorities after receipt of the above notice and the authorities kept quiet for such a long time.

3. Thus, the relief claimed by the petitioner cannot be granted at this stage. However, the petitioner is granted liberty to submit a detailed representation justifying his stand. The petitioner is also entitled to enclose all the documents in support of his claim that the boundaries are identified already and that the earlier application sanctioned by the respondents clearly disclose the boundaries and, therefore, there is no requirement of obtaining fresh survey report. It is always open to the petitioner to obtain a survey report and submit the same if he chooses. As and when such representation is received, the respondent Municipality shall consider and pass appropriate orders, as warranted by law, within a period of three (3) weeks from the date of receipt of such representation.

4. With the above observations, the Writ Petition is 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

Date: 7th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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Date: 7th August, 2015

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