

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 6180 OF 2009

06-07-2015

Between:

People's Union For Civil Liberties, AP., rep., by its Greater Hyderabad
General Secretary & State Vice-President Iqbal Khan, S/o. Osman
Khan, aged about 38 years, Occ: Service,
R/o.16-8-908/7, Yadav Complex, Malakpet, Hyderabad

... Petitioner

And

The State of AP, rep., by its Chief Secretary, Secretariat Buildings,
Hyderabad and four others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 6180 OF 2009

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Sri P. Shashi Kiran, learned counsel for the petitioner; Sri P. Kesava Rao, learned Standing Counsel for respondent No.3 and Sri Sai Gangadhar Chamarthy, learned counsel for respondent No.4.

This writ petition, in the nature of public interest litigation, seeks the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent Nos.1, 2 and 3, in not taking action against the 4th respondent who has grabbed the play ground and constructed commercial buildings in the play ground meant for recreation, general public usage and children situated in Sy.No.69 in an extent of 594 Sq. ft in Musheerabad municipal area, as illegal, arbitrary, unconstitutional and in utter contravention of the provisions of the Hyderabad Municipal Corporations Act, 1955, AP Survey and Boundaries Act, 1923, G.O.Ms.No.90, dated 31.12.2007 and in violation of Article 21 of the Constitution of India and consequently direct the Government of Andhra Pradesh to appoint an expert committee for making proper and effective guidelines in protecting the general public interest to avoid unnecessary conversion of open space and to strictly urban uses, thereby protecting against the resultant impacts, such as pollution, destruction of scenic beauty, disturbance of the ecology and the environment, hazards related to geology, fire and flood, and other demonstrated consequences of urban sprawl to eliminate the misery of disreputable housing conditions caused by

urbanization and pass such other order, or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Learned counsel for the petitioner submits that a part of the land measuring about 11000 square yards, which was supposed to be an open land to be used as a play ground or park, is allotted to respondent No.4 by the Commissioner, Greater Hyderabad Municipal Corporation, without having any authority in law.

We have perused the petition and the counter affidavits filed by the respondents, in particular by respondent No.3. Respondent No.3 has clearly stated that land to the extent of 4138 square yards in Sy.No.69 at Musheerabad was open land vested with the Municipal Corporation. Out of this land, initially, 500 square yards of land was allotted to respondent No.4 by the registered document dated 03-05-1976 for a period of 99 years after obtaining approval of the General Body vide resolution No.263, dated 19-11-1975. Thereafter, another 294 square yards of land was leased out to respondent No.4 by following the due procedure and they were put in possession after executing registered documents. The remaining land measuring 3145 square yards is open even today and is maintained and used as a playground. It is also stated in the counter that the remaining open space, out of 11000 square yards of land, measuring 6600 yards is already developed as a park.

Learned counsel appearing for respondent No.3, on instructions, submits that the aforesaid park and the playground shall not be touched or used for any other purpose in future without following the due process of law. His statement is recorded and accepted.

In view thereof, nothing further survives in this petition. Hence, the writ petition is disposed of as rendered infructuous.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

06-07-2015
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