

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

WP No.805 of 2015

Between:

Thatikonda Omkar & others

...Petitioners

And:

The State of Telangana
Municipal Administration and Urban Development
Department, Hyderabad rep. by its
Principal Secretary, & others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 17.08.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

1. Whether Reporters of Local newspapers may Yes/No
 be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
 be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
 fair copy of the Judgment?

HON'BLE SRI JUSTICE P.NAVEEN RAO

Writ Petition No.805 of 2015

ORDER:

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The petitioners sought the following relief:

“.....declaring the action of respondents in abdicating the statutory obligation contemplated under the provisions of section 8 of the Act for considering the objections/suggestions of the petitioners

being aggrieved against the publication of draft Master Plan prepared and published under Section 8 of the Act depriving the property of the petitioners situated in Somidi Village of Hanamkonda Mandal, Warangal District in placing the petitioners lands in Heritage and Public Open space Zone (HPOZ), as illegal, contrary to law and consequently direct the respondents 1 and 2 to consider the objections/suggestions made by the petitioners in respect of modifications of the land use from Heritage and Public Open Space Zone (HPOZ) into residential Zone in respect of area covered by the petitioners plots in Sy.Nos.192 (new), 192/A (New), 192/B (new), 193/AA (New), 194 (new), 194/A/2 (new), 194/A/3(new), 195/A (new), 245/A (new) and 246 (new) in Somidi Village of Hanamkonda Revenue Mandal, within the limits of Warangal Municipal Corporation and pass such other order...”

2. As seen from the prayer in the writ petition, the grievance of the petitioners is that the respondents are not considering the objections/suggestions made by the petitioners in respect of the modifications of the land use from Heritage and Public Open Space Zone in to residential zone in the Master Plan-2031 and revise the Master Plan by modifying the Heritage and Public Open Space Zone into residential zone.

3. In para 6 of the counter-affidavit filed by the 2nd respondent, it is stated that the respondent-Authority received 1044 applications, including the objections of the petitioners and those applications were placed before the Steering Committee, specially constituted for scrutiny of objections/suggestions and the Committee after considering all the objections/suggestions, ultimately recommended to retain the Heritage and Public Open Space Zone in the Master Plan-2031 keeping in view that the land was situated on the foreshore area of Waddepally Tank. It is also stated that the site is falling within the foreshore/upstream area of Waddepally Tank and having regard to the

guidelines of the Supreme Court, no residential buildings should be allowed in the tank beds and the plots are falling in the above tank area. It also commented about the nature of the lay out made by the petitioners. This court is not inclined to go into that issue. During the course of hearing, it is submitted that the objections/suggestions of the petitioners were considered and proper decision is made and KUDA, in fact forwarded the recommendations to the Government and the matter is pending consideration before the Government regarding approval of the Master Plan. Thus, the cause in the writ petition does not survive for consideration. Petitioners may have grievance only if proposals submitted by KUDA are accepted by Government. In such an event, it is left to them to workout their remedies.

4. The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, in this writ petition, shall stand dismissed in consequence. No order as to costs.

P. NAVEEN RAO, J

Date: 17.08.2015
BSS

HON'BLE SRI JUSTICE P.NAVEEN RAO

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Writ Petition No.805 of 2015

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Date: 17.08.2015

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