

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 18410 of 2015

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Date of Judgment: 26.6.2015

Between:

Smt. P. Kusuma

...Petitioner

And

The State of Telangana and others

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 18410 of 2015

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ORDER:

Heard learned counsel for the parties.

The petitioner is aggrieved by the proceedings of respondents 4 to 6 whereby regularization of lay out on fictitious house numbers is said to have been granted to respondents 9 and 10.

Learned counsel for the petitioner has filed documents on the basis of which he tries to contend that non-existing house numbers are sought to be regularized

and Greater Hyderabad Municipal Corporation authorities have been misled for regularizing the same in favour of respondents 9 and 10 and on that basis, the respondents 9 and 10 are likely to get entire compensation for the property acquired for the purpose of metro railways.

Regularization has been done in terms of scheme of Government under G.O.Ms.No. 902, Municipal Administration & Urban Development (M1) Department, dated 31.12.2007. Similar scheme relating to unauthorized constructions was considered by a Division of this Court in *K.H.V. Prasad Vs. Govt. of Andhra Pradesh, rep. by its Principal Secretary, Municipal Administration and Urban Development* (2009 (4) ALT 71 (DB) and in paragraph-110 it was held as follows,

“In the scheme of things as it stands under the Rules no such locus or hearing is provided to an objector and thereby he has no other remedy except to approach common law Courts for appropriate relief. We have already held above that all such regularizations and penalizations would not affect the easementary or civil rights of any neighbour and as such, he would be free to ventilate his grievance before the competent civil Court, if he so desires.”

In view of that, therefore, even if there is any

erroneous regularization granted by the Greater Hyderabad Municipal Corporation authorities, the petitioner can always assert her claim by approaching the competent civil Court. Secondly entertaining this writ petition would involve adjudication of pure questions of fact which is not permissible under Article 226 of the Constitution of India.

Hence with liberty to the petitioner to approach the civil Court, the writ petition is dismissed along with miscellaneous applications, if any. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 26.6.2015
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