

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 2952 OF 2015

-
ORDER :
-

This writ petition is filed seeking writ of mandamus declaring the action of the respondents in not taking action upon the representation of the petitioner-society dated 19.11.2014 for removal of encroachments on open space admeasuring 2448 sq.yards in the layout of Venkateshwara Nagar Colony in Survey No.97 of Quthbullapur Village & Mandal, Ranga Reddy District as illegal and arbitrary and consequently to direct the respondents to take necessary steps for removal of encroachments in accordance with law.

2. The petitioner-society is a registered society bearing registration No.662/04. It is stated that open space admeasuring 2448 sq.yards in the layout of Venkateshwara Nagar Colony in Sy.No.97 of Quthbullapur Village & Mandal, Ranga Reddy District has been encroached upon by several unidentified persons and several huts were erected thereon. The residents of Venkateshwara Colony are being exposed to unidentified anti-social elements and victimized by thefts and other crimes. Girls and women residents of the colony are scared of moving in the bright daylight and in the night. The same fact has been brought to the notice of the respondents by way of complaint/representation, but no action has been taken so far by the respondent Corporation.

3. It is further stated that some third parties who claims to be owners of the above said open space land filed writ petitions

before this Court in W.P.No.17664/2010 and 34579/2011 for cancellation of approved lay-out of the colony without making the petitioner society herein as party respondent in the above said writ petitions. On 18.07.2014, W.P.No.17664 of 2010 was dismissed for non-prosecution. W.P.No.34579 of 2011 was dismissed vide orders dated 25.10.2011. It is stated that in W.P.No.34579 of 2011, the Metropolitan Commissioner, HMDA, and respondents herein affirmed in counter affidavits that according to Rule 10 (A) of the Municipal Corporation of Hyderabad (Layout) Rules, 1965, open spaces lying in approved layouts shall vest with the Corporation and meant for public purposes and that the local body is duty bound to protect the roads and open spaces in the layout. However, the respondents are not taking any steps to protect open space in the colony of the petitioner society. Hence, the writ petition.

4. Heard learned counsel for the petitioner as well as Smt.A.Deepthi, learned Standing Counsel for the respondents 1 and 2-GHMC.

5. Smt. A.Deepthi, learned Standing Counsel submits that the representation of the petitioner-Society dated 19.11.2014 is pending before the 2nd respondent.

In view of the submission of the learned Standing Counsel, there shall be a direction to the 2nd respondent to consider the representation of the petitioner-society dated 19.11.2014 in accordance with relevant provisions of law and pass appropriate orders in accordance with law.

With the above direction, this writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand dismissed. There shall be no order as to

costs.

23.02.2015.
KVS

A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

-
-
-
-
-
-
-
-
W.P.No.2952 OF 2015

-
-
-
-
-
-
-
-
-
Date: 23-02-2015

KVS

