

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

WRIT PETITION NO.24212 of 2015

Between :

Sri Nagarjuna Cooperative Housing Society Limited,
Rep., by its President, Dr. K.V.L.N.Raju,
S/o.Late Sri K.N.Raju, Aged 59 yrs, Occu : Business,
R/o.Plot No.933, Road No.47,
Jubilee Hills, Hyderabad-34.

.. Petitioner

and

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

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 04.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner is a Co-operative Housing Society and the total number of plots in the lay out of the Society are 78. The petitioner-Society has left some open space in which there existed a deep well. On apprehension of danger, later it was filled with soil and a water sump was constructed with a compound wall to meet civic amenities of the Society. The open space abutting the water sump was meant for park to be developed by the GHMC. It is further averred that as the services of 9th respondent is not satisfactory and encouraging anti social elements to use the premises and misbehaving with the occupants, the petitioner-Society instructed the 9th respondent to vacate the premises. It was further alleged that the 9th respondent has created a false unregistered sale deed dated 19.08.1985 in favour of his father-in-law and unregistered will deed dated 10.08.1987 in favour of his wife, who inturn executed unregistered agreement of sale dated 02.04.1996 in favour of the 7th respondent. The 7th respondent by fraudulent representation obtained the electricity connection. The 7th respondent also made application for water connection but the same was rejected.

2. It is further averred that in order to grab the open space of the petitioner-society which is meant for park, the 7th

respondent is pressuring the officials of respondents 2 to 5 (GHMC) to allot municipal number. As per the terms and conditions of the approved lay out, the open spaces and roads vests with GHMC and it is the bounden duty of the Corporation to protect them from any encroachments. The petitioner-society has submitted representations dated 18.03.2015, 21.05.2015 and 21.07.2015, about the acts of respondents 7 to 9 and not to allot any municipal number to the asbestos sheets shed illegally erected by respondents 7 to 9 and to demolish the same by following due process of law. It was further alleged that due to inaction on the part of respondents 2 to 5, in taking action against respondents 7 to 9, the residents of the petitioner-society are facing untold misery and hardship. There is also dumping of waste material from external sources in the petitioner-society land during night time. Alleging that the representations submitted by the petitioner-society are not acted upon, this writ petition is filed.

3. When the matter is taken up, both counsel agreed for disposal of the writ petition with a direction to the respondents 2 to 5 to expeditiously dispose of the representations dated 18.03.2015, 21.05.2015 and 21.07.2015 submitted by the petitioner-Society.

4. Having regard to the same, without expressing any opinion on merits of the matter, writ petition is disposed of directing the respondents 2 to 5 to consider the representations of the petitioner dated 18.03.2015, 21.05.2015 and 21.07.2015, and pass appropriate orders as warranted under law within a period of two weeks from the date of receipt of copy of this order and communicate the decision to the petitioner. It is made clear that since acting on the representations submitted by the petitioner-Society would likely to affect the rights of respondents 7 to 10, before taking any coercive action against the said respondents, the Corporation shall cause notice and give due opportunity of hearing and after observing due process of law only, any

such action can be taken. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

P.NAVEEN
RAO,J

04th August, 2015.
Rds