

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10288 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* declaring the letter No.3608/LO/Plg/HMDA/2012 dated 29.10.2014 and 07.02.2013 issued by the 1st respondent as illegal and arbitrary and for a consequential direction to the respondents 1 and 2 to issue a final layout in Sy.No.55P, 56P of Gaddapotharam Village, Jinnaram Mandal, Medak District.

The case of the petitioner is that it has been granted draft layout by the 1st respondent vide letter No. 3608/LO/Plg/HMDA/2012 dated 28.09.2012 over an extent of Ac14-181/2 gts in Sy.Nos.55P & 56P of Gaddapotharam Village after considering the objections of the objectors. While so, the 1st respondent basing on the objection petition filed by one Sri Lal Singh and Tejendarpal Singh on 29.04.2013, issued a show cause notice under Section 22 of HMDA Act, 2008 and in pursuance to the same, petitioner submitted his explanation. The 1st respondent after considering the explanation of the petitioner concluded to keep the layout approval in abeyance till further orders and till the dispute is settled. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the 1st respondent stating that at the instance of objection petition filed by one Sri Lal Singh and Tejendarpal Singh, the layout approval of the petitioner is kept in abeyance.

Learned counsel for the petitioner submits that there is no provision under law for keeping the layout in abeyance.

Heard the learned Standing counsel for respondents.

In the instant case, since it is stated that the 1st respondent has granted approval in respect of the petitioner's layout only after considering the objections of the objectors, the question of keeping the same in abeyance does not arise. Therefore, I do not see any reason to pass the impugned order on

self same ground. In view of the same, the impugned order dated 29.10.2014 and 07.02.2013 issued by the 1st respondent is set aside. However, this will not preclude the competent authority from taking action as per law, in case the layout is obtained against Rules and Regulations.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, pending, if any shall stand closed.

A.RAJASHEKER REDDY, J

13.04.2015

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