

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.17430 OF 2014

DATED:23-11-2015

Between:

Mr. M.V. Hanumanth Rao
and others ... Petitioners

And

The Government of Telangana
Rep. by its Principal Secretary
Revenue Department
Secretariat
Hyderabad
and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONERS: Smt. Jyothieswar Gogineni

COUNSEL FOR RESPONDENT NOs.1 to 4: A.G.P. for Revenue (TS)

COUNSEL FOR RESPONDENT NOs.5 : Mr. Chatla Madhu,
Standing Counsel for G.H.M.C.

COUNSEL FOR RESPONDENT NO.6 : Mr. Y. Rama Rao, Standing
Counsel for H.M.D.A.

COUNSEL FOR RESPONDENT NO.7 : A.G.P. for Irrigation & C.A.D.

(TS)

THE COURT MADE THE FOLLOWING:

ORDER:

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The petitioners, who have purchased plots in an unauthorized layout, filed this writ petition feeling aggrieved by separate Notices dt.28.6.2013, of respondent No.5 whereunder it has informed the petitioners that their applications for regularization of their plots under Layout Regularization Scheme (LRS) fall in Full Tank Level (FTL) of a water body and hence it has returned their applications.

In the counter affidavit filed by the Director of respondent No.6, it is *inter alia* stated

as under:

“...The draft revised master plan for erstwhile MCH area was notified vide notification dt.18.12.2009 calling for objections & suggestions from general public in exercise of powers conferred under Section 54(1) and (2) and Section 13(11) of the HMDA Act, 2008. After considering the objections & suggestions, the final revised master plan for erstwhile MCH area was forwarded to the Government as provided under Section 13(2) of the HMDA Act, 2008 for approval/sanction of the said plan. The government has approved the master plan for the erstwhile MCH area (Core Area of HMDA) vide G.O. Ms. No.363, MA dt.21.08.2010. In the final plan Sy. No.124 & 123 (Parts) have been earmarked as Water Body and along the water body 9 mtrs. Green belt is earmarked. In the master plan proposed land uses are earmarked and the master plan does not take into consideration any ownership aspects. Further, in the Zonal Regulations and the land use maps it has been stipulated that restriction and development activities in FTL of Lake/Kunta shall be as per Revenue/Irrigation Department records and relevant court orders.”

From the above reproduced averments in the counter affidavit, it is evident that while entire Sy. No.124 falls in the FTL of Kotha Cheruvu, parts of Sy. No.123 are notified as water body with nine meters green belt having been earmarked.

Smt. Jyothieswar Gogineni, learned counsel for the petitioners, submitted that all the plots of the petitioners in Sy. No.123 are situated far away from the FTL area, that they form part of the said survey number, and that they do not form part of the said survey number which fall within the FTL area earmarked as water body. She has requested that respondent No.5 may be directed to undertake an inspection along with a Surveyor in the presence of the petitioners and identify and demarcate the plots of the petitioners. Learned counsel for respondent No.5 fairly has not raised objection to this proposal.

As I find the request of the learned counsel for the petitioners reasonable, having regard to the counter affidavit filed by respondent No.6 indicating that only certain parts of Sy.No.123 are notified as water body, respondent No.5 is directed to get the survey of the petitioners' plots conducted in their presence. To enable the petitioners to be present on the date of the survey, respondent No.5 shall cause a notice issued to petitioner No.1 only and thereupon the petitioners may be personally present at the time of survey. If the survey reveals that the plots of the petitioners do not form part of the water body and nine meters green belt earmarked in the approved master plan as per G.O. Ms. No.363, Municipal Administration and Urban Development (I) Department, dt.21.8.2010, respondent No.5 shall reconsider the applications of the

petitioners for regularization of their pots under the LRS scheme. The said exercise shall be completed within three months from the date of receipt of this order.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.21810 of 2014 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

23-11-2015

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