

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 19919 OF 2015

08.10.2015

Between:

U. Suresh Kumar,

Kukatpally.

... Petitioner

And

The Hon'ble Lokayukta,

Basheerbagh, Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT PETITION No. 19919 OF 2015

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PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

The petitioner, in the instant writ petition, seeks the following prayer:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or a direction, more particularly, one in the nature of a Writ of Mandamus declaring the action of the 1st respondent in entertaining the complaint bearing Case No.1324/2015 filed by the respondents 5 to 10 and in issuing directions dated 6.5.2015 and 23.6.2015, leading to the issuance of the notices dated 8.5.2015 and 25.06.2015 by the 3rd and 4th respondents respectively, as illegal, arbitrary, without jurisdiction and contrary to the provisions of the A.P. Lokayukta and Upalokayukta Act, 1983 and set aside all such actions, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

We have perused both the orders passed by the Lokayukta dated 06.05.2015 and 23.06.2015. From perusal of the orders, it is apparent, and not in dispute that the Lokayukta felt it necessary to find out whether any construction, at the relevant time, had been made in FTL/buffer zone. The Lokayukta, therefore, directed the Assistant Director of Survey and Land Records, Ranga Reddy District to conduct full fledged survey and demarcate boundaries of the lands in Survey No.108 of Moosapet Village and Survey No.1011/10 of Kukatpally Village. Aggrieved by these orders, the petitioner filed the instant writ petition.

This Court on 09.07.2015 passed the following order:

“Heard Sri S. Niranjan Reddy, learned counsel holding for Sri K.V. Rusheek Reddy, advocate on record for the petitioner.

Sri Y. Ravindra, learned counsel appears for respondent No.1 and learned Government Pleader for Revenue appears for respondent No.4.

Issue notice to respondent Nos.2, 3 and 5 to 10 returnable on 23.07.2015.

In addition to Court notice, petitioner to give personal notice to respondent Nos.2, 3 and 5 to 10 and file proof of service.

Stand over to 23.07.2015.

In the meanwhile, the Assistant Director of Survey and Land Records, Ranga Reddy District shall conduct the survey in Sy.No.108 of Moosapet Village, as per the order dated 23.06.2015 passed by respondent No.1. While conducting the survey, the Assistant Director shall also find out the exact location of the petitioner's construction and submit his report to this Court before the next date."

The Assistant Director of Survey and Land Records, Ranga Reddy District accordingly conducted survey and placed his report through memo dated 29.07.2015. The report *prima facie* shows that the construction, the petitioner is carrying on, is out side the FTL and buffer zone. We, however, would not like to examine the report submitted by the Assistant Director of Survey and Land Records.

Mr. S. Niranjan Reddy, learned counsel for the petitioner submits that the petitioner would file an application for appropriate relief before the Lokayukta including dismissal of the complaint as not maintainable on the ground of jurisdiction and that he shall file application to that effect within a period of two weeks from today. His statement is recorded and accepted.

In the circumstances, we are satisfied that this writ petition can be conveniently disposed of by the following order:

- i. The Registry is directed to forward the report submitted by the Assistant Director of Survey and Land Records through his memo dated 29.07.2015 to the Lokayukta forthwith.
- ii. It is open to the petitioner to file an application, as aforementioned, seeking appropriate relief including dismissal of the complaint as not maintainable on the ground of jurisdiction within the stipulated time. We request the Lokayukta to consider the petitioner's application that he proposes to file, expeditiously. All contentions of the parties in respect thereof are kept open.
- iii. The undertaking filed by the petitioner dated 24.08.2015 is accepted. The undertaking is taken on record and marked 'X' for identification.
- iv. Keeping in view the survey report and considering the undertaking given by the petitioner, we allow the petitioner to carry on construction outside the FTL and buffer zone area for the period of three months

from today. It is made clear that the petitioner shall seek further orders from the Lokayukta, if the Lokayukta takes a view that the complaint is maintainable. It is always open to the petitioner to take appropriate remedy if the order passed by the Lokayukta is adverse to him.

As submitted by Mr. S. Niranjana Reddy, learned counsel for the petitioner, it is open to the petitioner to rely upon the judgment of the Full Bench of this Court in **Dr.R.G. Sunil Reddy vs. The A.P Lok Ayuktha** in support of his contentions, if he so desires and advised, before the Lokayukta.

Writ Petition is accordingly disposed of.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

08.10.2015

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