

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
&
THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION Nos.26739, 28730 and 34415 of 2011

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COMMON ORDER: (Per Hon'ble the Acting Chief Justice Dilip B.Bhosale)

Heard learned counsel for parties.

2. Mr. Krishna Reddy Putta, learned counsel for petitioners, submits that these petitions may be disposed of in terms of the order dated 11.07.2016 passed in WP.No.24260 of 2008 and batch since the questions involved therein and in these petitions are similar.

Learned counsel for the respondents have no objection for disposal of these petitions in terms of the order dated 11.07.2016.

3. The order dated 11.07.2016 passed in WP.No.24260 of 2008 and batch reads thus:

- (1) "The concerned respondents i.e. Greater Hyderabad Municipal Corporation (GHMC); Hyderabad Metropolitan Development Authority (HMDA), Irrigation, and Revenue, shall conduct survey of all lakes/tanks/lands within the limits of GHMC to determine FTL after issuing notice to the petitioners/unofficial respondents or any other person who claim that their lands are within FTL and then, proceed to put up fence, covering the FTL. Mr.Bhaskar Reddy, learned Special Government Pleader, submits that survey would be conducted by the Assistant Director, Survey and Settlements. His statement is accepted.
- (2) It is open to the official respondents, then to take appropriate steps to erect fence and to take action, in accordance with law, for removal of encroachments, if any, in FTL area of the lakes.
- (3) We hope and trust that the official respondents shall complete this exercise on or before 31.12.2016.
- (4) If the concerned official respondents find that the lands fall within FTL, are private patta lands, they may give an intimation to such land owners and take further steps for acquiring those lands and for payment of compensation in accordance with law. It is needless to mention that the concerned authority shall complete acquisition proceedings and payment of compensation

expeditiously. Parties have agreed that pending acquisition, they shall not have any objection for fencing FTL and even for removal of structures, if any, therein, after following due process of law and subject to their right to claim compensation in accordance with law.

- (5) If right, title and interest of the petitioners in the lands within FTL is disputed/denied by the concerned official respondents, the District Collector shall inform the same to the petitioners/private respondents or any other person before the end of February, 2017 and in that eventuality, it is open to all such petitioners/private individuals to approach civil Court seeking declaration of their title. If the petitioners/private individuals succeed in establishing their title over the lands covered by FTL, the official respondents, subject to their right to appeal, shall take steps to pay compensation to all such petitioners/private individuals in accordance with law.
- (6) Under any circumstances, the petitioners or other individuals/encroachers shall not obstruct the concerned official respondent from erecting fence covering the FTL after the exercise of survey is complete and subject to their right to seek compensation, as aforementioned.
- (7) While passing this order, we shall not be understood to have examined rights of the petitioners or private individuals or unofficial respondents.
- (8) We make it clear that the HMDA shall act as nodal authority for giving effect to this order.
- (9) The Pollution Control Board shall take all steps to prevent pollution in the lakes within the jurisdiction of HMDA. It is needless to mention that once FTL is determined, no construction shall be allowed in that area. This, however, shall not preclude the concerned authorities from strengthening the bund and development of pipeline by sewerage board within FTL area for preventing storm water in the lakes."

Accordingly, these writ petitions are also disposed of in terms of the aforesaid order. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

DILIP B.BHOSALE, HACJ

July 20, 2016
DSK

A.V. SETHA SAI, J