

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.43798 of 2016

Date: 19.12.2016

Between:

Mr. K. Ashok Reddy S/o late Janga Reddy,
Aged about 51 years, Occu:Ex-serviceman,
R/o. H.No.4-46-11/6, Sri Sai Nagar Colony,
R.C.Puram, Patancheru, Sangareddy Dist.

.....Petitioner

and

State of Telangana, rep.by Principal Secretary,
Municipal Administration, Secretariat, Hyderabad
and others.

....Respondents



The Court made the following:

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ORDER:

This writ petition is filed alleging that respondents 9 and 10 are undertaking construction of residential building without obtaining due permissions from the competent authorities. Further grievance of the petitioner is that while undertaking construction of the compound wall, respondents 9 and 10 are obstructing the irrigation water channel and, therefore, petitioner is denied of water to irrigate his land.

2. Learned standing counsel produced the original file along with proceedings No.GP/77/2016, dated 28.11.2016 of the Panchayat Secretary to the Tellapur Gram Panchayat, which would disclose that as per the application submitted by M/s. Pradeed Holdings (10th respondent), the HMDA had issued technical draft layout for construction of layout residential buildings in Sy.Nos.97/p, 98/p, 153/p, 154/p and 157/p. The Grampanchayat issued permissions for construction of layout residential buildings with conditions imposed there under.

3. Sri T.P.Acharya, learned counsel represents that he has instructions to appear on behalf of the 10th respondent and also submits that appropriate permissions are granted to undertake construction and 10th respondent has constructed the compound wall with prior permission.

4. Thus, insofar as the construction of residential houses by 10th respondent is concerned, the competent authorities have granted permissions and, therefore, it cannot be said that

construction undertaken/being undertaken by the respondent no.10 amounts to illegal construction.

5. With reference to the 9th respondent, learned standing counsel, on instructions, submits that after scrutiny of the application submitted by the 9th respondent, it was forwarded to HMDA for their approval and matter is at the stage of approval by the HMDA. He further submits that no construction is being undertaken by the 9th respondent. He further submits that 9th respondent obtained permission to construct a compound wall. Therefore, writ petition is not maintainable and is liable to be dismissed.

6. At this stage, learned counsel for petitioner fairly submits that writ petition can be disposed of, granting liberty to the petitioner to agitate his grievance with reference to obstruction of irrigation channel and any other individual grievance vis-à-vis the petitioner and the respondents 9 & 10 in appropriate proceedings.

7. Writ Petition is dismissed accordingly. However, liberty is granted to the petitioner to work out his remedies as available in law if he has any other grievance with reference to *inter se* dispute between the petitioner and the respondents 9 & 10 including alleged obstruction of water channel. It is made clear that there is no expression of opinion on *inter se* dispute between the petitioner and the respondents 9 & 10 and matter is considered only with reference to the illegal and unauthorized construction without prior permissions.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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