

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7689 of 2016

ORDER:

Heard Sri T. Koteshwara Prasad, learned counsel for the petitioner, and Sri V. Narasimha Goud, learned Standing Counsel for the Hyderabad Metropolitan Development Authority.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying Affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.1 in issuing the Layout in File Ref.No.202468/LO/PLG/HMDA/15 in favour of the respondent No.2 in respect of the land in Survey No.233, 234, 235, 237 and 238 of Nemarigomula Village of Bibinagar Mandal, Nalgonda District without considering the objection petition of the petitioner dated 17-10-2015 as well as Legal Notice dated 19-02-2016 is arbitrary and illegal as well as contrary to the provisions contemplated under Hyderabad Metropolitan Development Authority Act, 2008 as well as Urban Areas Development Act 1975 and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

It is stated that layout permission has not yet been granted in favour of the unofficial respondents.

As this Court does not propose to adjudicate any issue on merits, it is not deemed necessary to put the unofficial respondents on notice.

As the first respondent Authority is yet to act upon the application filed by the second respondent seeking layout permission and as Section 20(2) of the Hyderabad Metropolitan Development Authority Act, 2008, empowers the Authority to make such enquiry as it considers necessary in relation to any application for such layout permission, the writ petition is disposed of directing the first respondent

Authority to take into account the objections raised by the petitioner under his letters dated 17.10.2015 and 19.02.2016 and take appropriate action in the matter, if warranted, in accordance with law.

Needless to state, the first respondent Authority is bound to give due notice and opportunity of hearing to all persons who would be affected by any decision taken upon the objections raised by the petitioner. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

10th March, 2016
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