

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.40856 of 2015

ORDER:

Heard the learned counsel for the petitioners, Sri T.Sudhakar Reddy, learned counsel for respondent Nos.1 to 5 and Sri Sampath Prabhakar Reddy, learned counsel for 6th respondent.

2. Petitioners who are 85 in number have filed this Writ Petition challenging the inaction of the 1st respondent in providing individual service connections to their houses/apartments in Sy. No.11/8 to 11/18 of Khanamet village, Serilingampally Mandal, Ranga Reddy District.

3. Petitioners contend that 6th respondent has instigated 1st respondent and its officials not to provide individual service connections to the petitioners which is reflected in the letter

dt.05-11-2015 addressed by 5th respondent to the Swamy Ayyappa Cooperative Housing Society Limited, Madhapur.

4. This fact is not disputed by Sri T.Sudhakar Reddy, learned counsel for respondent Nos.1 to 5 who refers a letter

dt.20-12-2011 addressed by its officer to 1st respondent.

5. Sri Sampath Prabhakar Reddy, learned

counsel for 6th respondent states that the petitioners do not possess Occupancy Certificate as mandated by G.O.Ms.No.168 dt.07-04-2012 and therefore the petitioners were rightly denied individual water connections.

6. Learned counsel for the petitioners relies on judgment dt.12-09-2012 in W.P.Nos.20407 of 2008, 9714 of 2009 and 16058 of 2009 wherein this Court dealt with the land where the petitioners and others have made constructions and directed as under:

“(1) In view of the fact that the acts and omissions of the State Government and its various Departments including the acts and omissions of the Special Officer and Competent Authority, Urban Land Ceiling and the Commissioner, Urban Land Ceiling, has resulted in the vast extent of the land of the Trust being encroached by third parties, who have raised permanent/temporary structures over the land notwithstanding the declaration of law by a Division Bench of this Court in W.A.No.1769 of 2001 and batch, referred to above, and, in view of the findings reached above that the entire extent of the Trust property stands restored to the Trust, we are of the view that the State Government shall compensate the Trust by way of exchange or otherwise by allotting equal extent of land elsewhere around the city, which is otherwise lost by the Trust notwithstanding the declaration by this Court and the G.O's issued by the Government.

(2) The State Government shall, therefore, frame a special scheme for regularization in respect of lands of GGT, which are in occupation of third parties/housing societies/welfare associations.

(3) The State Government shall constitute a Committee, which shall consist Officers in the rank of Commissioner from the respective Departments viz. Revenue, Endowments, Survey of Land Records etc.

together with the trustees of the Trust and one representative of each housing society/association/individual occupiers of each extent of land, for arriving at an understanding as to the rate to be fixed for the land of GGT, which is in occupation of the third parties, as above and to settle other terms and conditions for regularization/transfer of land to such occupants in accordance with the AP Act 30 of 1987.

(4) The amounts received towards regularization fee, as per the decision of the committee aforesaid, shall be kept in a separate account together with the fees for regularization already collected by the Government from individuals in terms of G.O.Ms.No.747 dated 18.06.2008.

(5) The regularization fee received from the occupiers, as above, in terms of the decision of the Committee as per the special regularization scheme, referred to above, shall be in addition to the regularization fee already collected by the Government from the individuals under G.O.Ms.No.747 dated 18.06.2008 and subject to the decision of the Committee, the regularization fee collected by the Government under G.O.Ms.No.747 dated 18.06.2008, as above, shall be given credit to while collecting the regularization fee under the special regularization scheme, as above.

(6) The State Government shall utilize the fees so collected for the purpose of allotting the alternate land to GGT as per Direction No.1 above and the land value of such alternate land shall be met from out of the specially earmarked funds under the special scheme suggested above. Any shortfall of the amount in fulfilling the land value of such alternate land shall be recovered by the Committee in proportion from all the occupiers of the land and that component shall be given due consideration in fixing the rate to be finalized as per the directions above under the special regularization scheme.

(7) To the extent of such of the occupants, who are not agreeable for the terms of regularization, as above, shall be vacated by the competent authority under the AP Act 30 of 1987.

(8) To overcome any difficulty in implementing the above directions in view of the interim orders of this Court in W.P.M.P.No.15055 of 2005 in W.P.No.11812 of 2005, the Committee directed to be constituted under Direction No.3 or any authority authorized by the Committee on behalf of the Committee, may, seek leave of the Court, by filing appropriate petition in the pending Writ Petition No.11812 of 2005, for modification of the interim directions suitably insofar as the lands of the GGT are concerned for implementing the directions issued herein.”

7. Against this judgment, admittedly Civil Appeals are pending before the Supreme Court and the judgment of the High Court has no doubt been stayed.

When persons similarly placed like petitioners were denied additional load of electricity by the Telangana State Southern Power Distribution Corporation Limited (TSSPDC), Hyderabad, they approached this Court by filing W.P.No.31378 of 2014. On 15-12-2014, this Court disposed of said Writ Petition holding that the said Corporation was not justified in not releasing additional loads on the ground that GHMC officials have issued instructions. His Lordship referred to the judgment of the Division Bench in W.P.No.20407 of 2008 and batch and the fact that in that case, the Division Bench directed the Government to frame scheme for regularization of possession of the persons in occupation of the lands and directed the above Corporation to release additional loads as early as possible to the petitioner observing that it shall be subject to the outcome of the regularization scheme framed by the Government of Telangana State.

8. Similar view has been taken in W.P.No.32614 of 2015 by this Court on 18-12-2015. This Court has opined that pending consideration of the Division bench judgment by the Supreme Court and subject to further directions which may be issued by the State of Telangana or the Supreme Court in the matter, the TSSPDCL shall release individual service connections to the petitioners in that Writ Petition on payment of requisite charges.

9. Therefore, for the reasons alike, subject to the petitioners making individual applications for water supply connections to the 1st respondent, the 1st respondent, without reference to the objections raised by 6th respondent, shall grant water supply connections to the petitioners subject to payment of requisite charges. This shall be subject to further orders which may be issued by the Supreme Court in the Civil Appeals pending before it challenging the Division Bench judgment in W.P.No.20407 of 2008 and batch dt.12-09-2012.

10. The Writ Petition is allowed with the above directions. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-07-2016

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