

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22018 of 2016

ORDER :

The letter addressed by the Deputy Collector and Tahsildar, Saroornagar, to the Deputy Commissioner, G.H.M.C., L.B. Nagar, Hyderabad, dated 25.05.2016 is challenged before this Court by the petitioner-Association on the ground that the members of the petitioner were not given notice, whereas, allegation has been made that they had occupied Ac.0-27 gts. of land in Sy.No.62, more precisely the land belonging to respondent Nos.6 to 8.

2. Learned counsel for petitioner Sri M.Damodar Reddy submits that no notice as such was given to the petitioner before giving a finding that the members of the petitioner-Association are encroachers into the land in Sy.No.62. It is the contention of the learned counsel that the members of the petitioner-Association had occupied land in Sy.Nos.63, 71 and 73, which is admittedly a Government land and they had constructed houses. Their occupation and construction was regularized in terms of G.O.Ms.No.58, dated 30.05.2015 and pattas were granted in their favour. Learned counsel also would submit that this Court, taking into consideration of the fact that no notice was given and it was only at the instance of the private respondents, the said proceedings were issued, on 12.07.2016, while granting interim stay as prayed for, gave liberty to the private respondents to

approach civil Court. In those circumstances, learned counsel submits that the writ petition can be disposed of making the interim order as final order, leaving it open to private respondents to workout remedies.

3. On the other hand, learned Government Pleader Sri Durga Reddy, while opposing the writ petition, submits that the communication by the Deputy Collector and Tahsildar is to the Municipal Corporation, that too, sensitizing that no permission can be granted if the members of the petitioner had occupied private land in the guise of the pattas granted under G.O.Ms.No.58, dated 30.05.2015, as it is not the intention of the Government to confer rights on the individuals who occupied private lands. The scheme itself is envisaged only for the purpose of regularizing genuine persons who are in occupation of the Government lands on relevant cut-off date. At any rate, learned Government Pleader submits that the information is being provided by the Tahsildar to the GHMC officials, as construction permissions are required to be granted by the GHMC in terms of the Regulations, one of the Regulations being that permissions cannot be granted for illegal constructions.

4. Learned counsel Sri V.Srinivas, appearing on behalf of respondents 6 to 8 submit that in the guise of the pattas granted under G.O.Ms.No.58, dated 30.05.2015, certain of the individuals have encroached into certain of the plots

of approved layout in Sy.No.62 of Hanumannagar. He further submits that in those circumstances, the communication of the Deputy Collector and Tahsildar, which was issued on the complaint made by respondents 7 and 8, cannot be faulted with. The learned counsel also would raise an objection about the maintainability of the writ petition at the instance of an Association, as it is the individuals who are making attempts to encroach into the land of the private individuals in Sy.No.62 under the guise of the pattas granted in terms of G.O.Ms.No.58, dated 30.05.2015.

5. Having considered the respective submissions, the contention of the learned Government Pleader as well as the learned counsel for respondents 6 to 8 commands acceptance. Firstly, the petitioner being only a welfare Association, not having been granted any patta in its favour, will have no locus standi to challenge the letter dated 25.05.2016. Even otherwise, the letter dated 25.05.2016, being a communication from one Department to another Department, cannot be challenged. It is also not the case of petitioner that any prejudice as such has been caused to its members on account of the communication from the Tahsildar to the Deputy Commissioner of GHMC. A perusal of the communication itself disclose that what all being said by the Tahsildar is that the land in Sy.No.62 is private land and if there is any objection with regard to grant of construction permissions

in relation to Sy.No.62, they are required to verify the antecedents and the title, especially from the persons who are alleged to have been granted pattas in terms of G.O.Ms.No.58, dated 30.05.2015. In the process, the Deputy Collector and Tahsildar had forwarded the representation which has been received alongwith other material. This being an internal communication not being amenable to Writ Jurisdiction, writ petition lacks bonafides at the instance of the petitioner-Association. Accordingly, the same is dismissed. No order as to costs. However, it is made clear, the observations made in this order shall not be construed as expressing of opinion in respect of rights of the respective parties.

Pending miscellaneous applications, if any, shall stand closed.

CHALLA KODANDA RAM, J

2nd August 2016

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