

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.14786 OF 2005

ORDER :

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in proposing to sell the petitioner's land admeasuring 441 square meters out of his premises bearing No.8-2-210/ 117/ D, Road No.2, Banjara Hills, Hyderabad, admeasuring 1192 square yards, situated on plot Nos.83 and 84 of the erstwhile Jubilee Hills municipality, in Survey No.403/ 24 of Shaikpet Village, Hyderabad, without disposing of his application for N.O.C., dated 03.01.2002, as illegal and arbitrary.

2. From the prayer, the petitioner has sought firstly for declaring the action of the respondents in proposing to sell the petitioner's aforementioned land and secondly the action of the respondents in trying to auction the land, without disposing of the petitioner's application for N.O.C., dated 03.01.2002.

3. It is to be noted that this Court on 08.07.2005, while issuing *rule nisi*, granted interim stay, as prayed for. Pursuant to the said interim order, open auction which was sought to be conducted in respect of the above said land, could not be conducted. It is stated in the counter that the land is now vested with the Government and it is also to be noted here that the application filed by the petitioner seeking NOC was rejected on 21.04.2006. But the grievance of the petitioner is that the said order was not communicated to him till date and the same was passed on across the Bar, during the course of hearing of this case. It is further stated that the application made by the petitioner for regularisation of the plot is still pending consideration and according to

him an amount of Rs.53,32,031/- has been paid towards regularisation charges.

4. Having regard to the above circumstances, this Court is of the view that the respondents shall not proceed with the auction of the land in dispute, till orders are passed on the application made by the petitioner for regularisation of the land/plot in dispute. In case if the authorities intend to auction the property, at this length of time, it is always open to the petitioner to avail the remedies available under law. Insofar as rejection of N.O.C. is concerned, the petitioner is also at liberty to avail the remedy available under law.

5. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

6. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

21.08.2017
vnb



JUSTICE C. PRAVEEN KUMAR