

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.7032 of 2012

ORDER:

Heard Sri K.Govind for petitioners, Assistant Government Pleader for Panchayar Raj for respondents 1, 3 and 4, and Assistant Government Pleader for Revenue for 2nd respondent. No representation for 5th respondent.

The petitioners complain against the proposed action of respondents in constructing building in an area earmarked for park in Sy.Nos.131/2, 334, 337/2 and 338/2 of Housing Board Colony, Mutrajpally Village, Gazwel Mandal, Medak District, as illegal, arbitrary and unconstitutional.

The petitioners in proof of earmarking the petition land for park have relied upon the layout plan. On 14-03-2012, after considering the *prima facie* case, balance of convenience and irreparable loss, the following interim order was passed.

“Heard Sri K. Govind, learned counsel for the petitioners and Sri Y. Subba Rao, learned Assistant Government Pleader for Panchayat Raj and Rural Development.

The contents of the approved layout appeared to corroborate *prima facie* the contentions of the petitioners at the stage and Sri K. Govind, learned counsel, relied on the verdict of a Division Bench in P. Venkateswarlu and another v. Government of A.P., Municipal Administration and others (2002 (2) ALT 791 (DB)) in this regard.

Hence, it will be but in the interests of justice to maintain the state of affairs existing as on today regarding the subject matter.

Therefore, status quo obtaining as on today shall be maintained by the respondents in respect of the proposed construction of Sree Shakti Bhavan at the Housing Board Colony of Mutrajally village, Gazwel Mandal, Medak District until further orders.

The interim order is subsisting as on date.

The respondents did not file counter or sent instructions to the counsel representing them.

I am satisfied that to preserve the park area in tact in the sanctioned layout, the interim order is made as final order in the writ petition.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.



Dt: 23-01-2017
Prv

S. V. BHATT, J

