

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Petition No.27905 of 2017

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The petitioners' grievance in this writ petition is that the action of respondents 1 to 3, in not stopping the illegal constructions made by the 5th respondent in the subject land, is arbitrary and illegal. A consequential direction is sought to respondent Nos. 1 to 3 to remove the illegal constructions, restore the land to its original status, and direct the Debt Recovery Tribunal, Hyderabad to pass appropriate orders in I.A. No. 1082 of 2016 in S.A. No. 509 of 2014.

The fact that respondent Nos. 5 to 9 were the highest bidders, in the public auction conducted by the 4th respondent, is not in dispute. The petitioners' contention is that, as against the value of the subject property which is in excess of Rs.2.00 crores, it was sold to respondent Nos. 5 to 9 for a measly sum of Rs.98.00 lakhs. The other contention urged by Sri K.S. Murthy, learned counsel for the petitioners, is that respondent Nos. 5 to 9 are resorting to illegal constructions without obtaining necessary permission from the Bandlaguda Gram Panchayat. The petitioners claim to have submitted a representation in this regard to the Gram Panchayat and the HMDA. Our attention is drawn by the learned counsel to the application filed by the petitioners in I.A. No. 1082 of 2016 in S.A. No. 509 of 2014 dated 16.3.2016 wherein they sought permission to redeem the property.

Without expressing any opinion on whether or not the petitioners are entitled to redeem the subject property, it is but

appropriate that the Debt Recovery Tribunal, Hyderabad, before which S.A. No. 509 of 2014 is pending, is directed to hear the I.A. with utmost expedition and pass orders after hearing both the writ petitioners and respondent Nos. 5 to 9, in accordance with law at the earliest and, in any event, not later than two months from the date of receipt of a copy of this order. While we see no reason, at this stage, to examine the petitioners' contention that respondent Nos. 5 to 9 are constructing the subject building illegally, suffice it to make it clear that this order shall not preclude either the petitioners from submitting an application to the Gram Panchayat or for the Gram Panchayat to consider the same in accordance with law.

As we have not expressed any opinion on the merits of the petitioners' claim, we see no reason to keep the writ petition pending on our file, or to issue notice to respondent Nos. 5 to 9 before disposing of the Writ Petition.

The writ petition is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

22nd August, 2017
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Date: 22.08.2017

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