

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 22364 of 2017

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Panchayat Raj & Rural Development for respondent Nos.1 and 2, and the respective learned counsel for respondent Nos.5, 7 and 8.

The petitioner is a House Owners Welfare Association of Laxmi Mega Township. The Township is situated in Ragannaguda, Nagarjuna Sagar Road, Hyderabad. It has more than 300 houses and there are some vacant plots. Some plots are allotted for amenities in the final layout. The petitioners state that several plots were reserved for parks, open spaces and other amenities. One of such plots is bounded by plot No.158 on East, plot No.159 on South and road on North and West sides. The said plot was earmarked for amenities, but it is alleged that respondent No.8 made construction without obtaining proper permission from respondent Nos.7 and 5 and is trying to alienate the same to the third parties. In those circumstances, the present writ petition was filed seeking stopping of further construction in that structure and demolition of the same.

Respondent No.5 filed a counter-affidavit stating that initially, a layout was released on 08.04.2011 and on submission of revised proposal by respondent No.8, a revised layout was sanctioned on 14.05.2012 and the same was released through

Panchayat Secretary, Turkayamjal/Ragannaguda Gram Panchayat. As per revised layout, an extent of 142.5 square yards, which is bounded by plot Nos.158 and 159 and two roads, was earmarked for amenities. As per condition No.8 of the revised approved layout, dated 14.05.2012, if any construction is proposed in the place meant for amenities, specific permission is required to be obtained from respondent No.5. Respondent No.5 admits the receipt of representation, dated 14.06.2017, made by the petitioners stating that construction of a duplex house is taking place in the area reserved for amenities. On receipt of such representation, inspection was conducted on 18.07.2017 and it was noticed that a building of ground + first floor was existing in the said site reserved for amenities. The Site Supervisor presented a copy of the plan which was stated to have been approved by the Hyderabad Metropolitan Development Authority (HMDA), but as per the records of the layout approval file, no such building permission was approved by the HMDA. The genuineness of the approved plan has to be examined in detail by calling for remarks from the Gram Panchayat concerned since there are no signatures/stamps of the Secretary of the Gram Panchayat on the plan. The records of the layout approval also do not contain the approved plan. Since the powers were delegated to respondent No.7-Gram Panchayat for issuing notices with respect to unauthorised constructions, it can take action for stopping the same.

Learned counsel for respondent No.8 submitted that the building permission was obtained *vide* proceedings, dated 18.05.2012 of the Zonal Office of respondent No.5 and the construction is valid.

In view of the above submission and in view of the stand taken by respondent No.5 in the counter-affidavit, as stated above, this Court is of the opinion that it is a matter to be enquired by respondent Nos.5 and 7 based on the records. After enquiry, if respondent Nos.5 and 7 come to the conclusion that any Officer exceeds his authority in granting permission and no proper permission was obtained by respondent No.8, it is open to them to take appropriate action in accordance with law by giving notice to respondent No.8 and the petitioners. Till such time, respondent No.8 shall not utilise or alienate the constructed area earmarked for amenities. The entire exercise shall be completed within three (3) months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:31.08.2017

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