

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.32897 OF 2017

DATED : 03.10.2017

Between :

Sri Sai Co-Operative Housing Society Ltd.,
(TBC 349), G-3, Ground Floor,
Block No.6, Panchavati Apartments,
Pragathi Nagar, Opp : JNTU, Kukatpally,
Hyderabad 500 090,
Rep., by its Secretary Ch.Chalapathi Rao,
S/o.Late Narayana Rao, Aged about 72 yrs.

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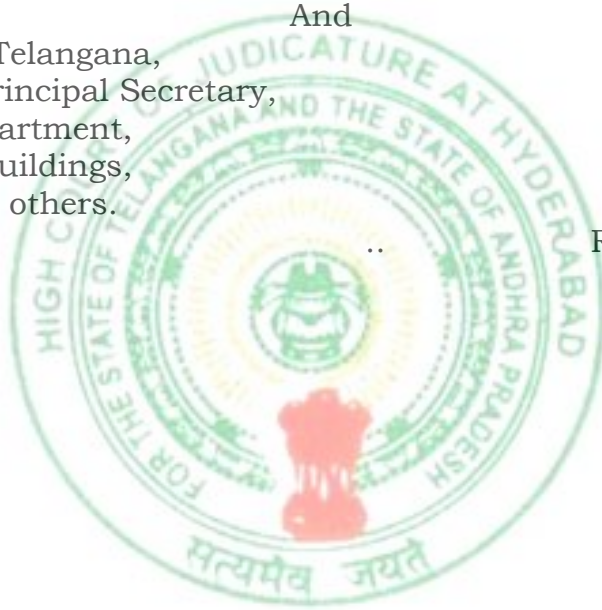
Petitioner

And

The State of Telangana,
rep., by its Principal Secretary,
Revenue Department,
Secretariat Buildings,
Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard.

2. According to the petitioner-Society, it is entitled to land to an extent of Ac.10.00 in Sy.Nos.175 (Part) and 171 (Part) of Bachupally Village, Quthbullapur Mandal, Ranga Reddy District, by virtue of Arbitration Award made in O.S.No.293 of 1990, on the file of Additional Sub-Judge, Ranga Reddy District at Saroor Nagar. In pursuant there of, Ac.5-00 of land was registered in Sy.No.175 (Part) in its favour on 27.11.1991, but the remaining extent of land is yet to be registered. E.P.No.259 of 2015 was filed which is pending in the Court of I Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar, for execution of the registered sale deed, for the said extent of Ac.5-00 in Sy.No.171 (Part). In E.A.No.44 of 2016 filed by the petitioner, an Advocate Commissioner was appointed for localization of the said land. However, the Advocate Commissioner submitted his report. It appears, that out of Ac.5-00 claimed by the petitioner, Advocate Commissioner found only Ac.0-35 guntas as open land and balance Ac.4.05 guntas was found submerged in Ambeer Cheruvu FTL as per the Assistant Director Survey Report dated 03.06.2017. Not satisfied with the survey report appeal was filed before the competent authority i.e., District Collector, Medchal, Malkajgiri District and the said appeal is pending consideration. While so, the petitioner challenges the letter No.LP1/846/2011, dated 11.08.2017 of the Joint Collector, Medchal, Malkajgiri District,

addressed to the Metropolitan Commissioner, HMDA, the Assistant Director, Survey & Land Records, Medchal, Malkajgiri District and the Executive Engineer, North Tank Division, Hyderabad. On elaborate discussion of the issue, the Joint Collector suggests the authorities to whom the letter was addressed to take appropriate course of action, as warranted by law, on the request made by the petitioner.

3. A reading of the operative portion of letter itself would disclose that he was giving some kind of fact finding report to the authorities to whom, letter was addressed in the process of consideration of the representation and thereafter, no decision is made so far. In other words, the letter under challenge is internal correspondence between various authorities of the State. An internal correspondence *per se* does not give cause of action, as no adverse decision is made against the petitioner-Society.

4. Learned counsel for the petitioner sought to contend that the said report is in pursuant to the appeal filed before the District Collector and same is also reflected in the very same letter and as copy of which is also served on the petitioner would show that decision is made.

5. To appreciate this contention it is useful to extract operative portion of the letter under challenge. It reads as under :

“Therefore, while enclosing the above petitions along with the documents produced by the M/s.Sri Sai Co-operative Housing Society Ltd., it is requested to look into the matter and to take necessary action on the request of the petitioner which are mentioned in their petitions examine the FTL fixed once again and to send a detailed report, since the Hon’ble Lokayuktha has also directed to submit further report on the above issue of Ambeer Cheruvu and the present

petitioners issue also pertains to the land covered within the FTL area of Ambeer Cheruvu.”

6. Thus, it is only report of what is assessed by the Joint Collector for consideration by the competent authority on the so called representation/appeal made by the petitioner and no decision is made by him. If petitioner is not happy with the content of the report or any notice is served on him based on the report, it is always open to him to raise objections as warranted by law, but *per se* an internal correspondence does not give rise to cause of action to the petitioner to challenge the same, even before a decision is made.

7. In fact learned Government pleader sought to contend that FTL was fixed long ago and therefore, the question of revisiting the determination of FTL does not arise. This Court is not inclined to go into that issue at this stage, as apparently the representation/appeal filed by the petitioner on the issue of FTL limits seems to be pending consideration of the competent authority.

8. Suffice to note that what is challenged is only an internal correspondence between various authorities of the State and this Court is not inclined to entertain the writ petition at this stage, as the same does not give him a cause of action as no adverse decision, *per se*, is made in the letter impugned warranting entertainment of the writ petition and consideration of the said grievance.

9. Writ petition is therefore liable to be dismissed on the ground that it is not maintainable against internal correspondence.

Thus, leaving it open to the petitioner to work out his remedies as available in law, on the issue, the Writ Petition is dismissed.

There shall be no order as to costs.

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

3rd October, 2017
Rds

P.NAVEEN RAO,J

