

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.31237 OF 2017

O R D E R:

The writ petition is filed questioning the action of the respondents in conducting the public auction for stray piece of land admeasuring 82.09 sq. yards abutting to the plot bearing No.6-1-320/B/40, Old CBI Quarters, Khairatabad, Hyderabad.

The principal argument of the learned counsel for the petitioners is that the land which is sought to be sold is 82.09 sq. yards and in terms of the policy of the Housing Board such plot can be sold to the neighbouring plot owners only.

On the other hand, learned counsel for the respondent Housing Board points out that even as per the plan submitted before this Court by the petitioner himself there is a plot of 82.09 sq. yards and another plot of 34.20 sq. yards. If both the plots are clubbed together, the total land of 116.29 sq. yards can be sold by the Housing Board. As a matter of fact, the land which is proposed to be sold is 160 sq. yards as is evident from the tender notification. The present land has the commercial value as it is a corner plot having two roads of 20 feet wide. Learned counsel for the respondent would also contend that the G.O. quoted by the learned counsel for the petitioners has no application for the land which is being sold as it is the commercial value. Prima facie, petitioners themselves do not have any right as they are not the owners of the adjacent plots and as they are not the original allottees of the adjacent plot. In those circumstances, the very applicability of the G.O. itself is in doubt. Further as rightly contended by the respondents' counsel that the plot is more than 100 sq. yards and in those circumstances, I do not see any reasons to interfere with the auction that is proposed to be held on tomorrow.

Accordingly, the writ petition is dismissed. However, it is left open to the petitioners to participate in the auction if they desire to acquire the land. No order as to costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

14th September, 2017
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Date:14.09.2017

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