

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.30111 OF 2017

Date 05.10.2017

Between:
K.Laxman Goud.

..... Petitioner

AND

Secunderabad Cantonment Board, SP Road,
Secunderabad rep. by its Chief Executive Officer and
others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.30111 of 2017

ORDER:

Petitioner claims to be the grandson of Laxmaiah, who was the protected tenant of lands in Sy.Nos.79 to 82 of Chinnatokatta Village, Bowenpally, Secunderabad. It is not in dispute that the said survey numbers fall within the jurisdiction of respondent No.1 – Secunderabad Cantonment Board. The petitioner, along with his father, succeeded to the subject property and had sold Ac.2.27 gts. in favour of various individuals who formed into Amar Jyothi Weaker Sections Housing Society and they had obtained layout from the Secunderabad Cantonment Board under which certain portion of land earmarked for park was occupied by respondent Nos.2 and 3 and constructed school building. This aspect was brought to the notice of the Cantonment Board by letter dated 11.04.2016. As no action has been initiated against encroachers, the present Writ Petition is filed.

Sri Meherchand Noori, learned Counsel for the petitioner, places reliance on **M.I.Builders Pvt. Ltd. V. Radhey Shyam Sahu¹** and **Dipak Kumar Mukherjee v. Kolkata Municipal Corporation²** to contend that public places/private parks which are left for lung space cannot be allowed to be occupied and that he is concerned only about occupying park by respondent Nos.2 and 3. He,

¹ (1999) 6 SCC 464

² (2013) 5 SCC 336

therefore, seeks a direction to respondent No.1 – Secunderabad Cantonment Board to complete enquiry within the stipulated time

Learned Standing Counsel for respondent No.1 - Secunderabad Cantonment Board would submit that notices have already been issued to respondent Nos.2 and 3 on 10.08.2017 and enquiry is in progress. He would also submit that final orders would be passed after giving opportunity to respondent Nos.2 to 4.

Learned Counsel for respondent Nos.2 and 3 would submit that they have no objection for enquiry being conducted by following due process of law.

In the light of the submissions made by the respective parties, Writ petition is disposed of with a direction to respondent No.1 to complete enquiry, within a period of 12 weeks from the date of receipt of a copy of the order, after affording an opportunity of hearing to respondent Nos.2 to 4 to put forward their case. In case, the petitioner seeks an opportunity, he be provided an opportunity to place necessary material.

The Writ Petition is, accordingly, disposed of. Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, without costs.

CHALLA KODANDA RAM,J

Date: 05.10.2017
 usd

