

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.46446 AND 46492 OF 2016

Dated:02.01.2017

Between:

Y. Nagaraoopa, D/o. Y.K.D. Mallikarjuna
Roa, rep., by its GPA Holder Sri Y.K.D. Mallikarjuna
Rao, S/o. Shobanadri, age 72 years,
R/o. Road No.2, Castle Hills,
Hyderabad .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Department of Municipal
Administration and Urban Development,
Secretariat Buildings, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.46446 AND 46492 OF 2016

COMMON ORDER:

Heard. With the consent of learned counsel for the parties, these Writ Petitions are being disposed of at the stage of admission.

2. The petitioner claims to have purchased plots bearing Nos.271, 271/A and 275 in Survey No.66/2 of Rayadurg Navkhalsa Village, Serilingampally Mandal, Ranga Reddy District. She alleges that the layout of the said plots was not approved though the title to the property is settled by virtue of the decree passed by this Court in A.S.No.36 of 2006 concerning the same property. She further alleges that in the earlier round of litigation, this Court stated that in view of the decree passed in O.S.No.98 of 2004 on the file of V Additional District Judge (Fast Track Court), Ranga Reddy District, there could not have been any objection for consideration of application for grant of regularisation. However, by notice impugned, the respondent – Corporation is once again insisting on production of clearance certificate from the revenue authorities to process the application for regularisation.

3. It is not in dispute that on processing the application for regularisation of unauthorised plots/layout, the respondent – Corporation vide intimation, dated 20.12.2016, called for compliance/submission of documents listed out in the said intimation.

4. Learned counsel for the petitioner would submit that there is no objection in complying with item Nos.1 to 5 mentioned in the intimation and the objection is only with regard to item No.6.

5. Admittedly, the petitioner has not responded to the said intimation and no material is placed before the respondent – Corporation with reference to the issue concerning item No.6 and straight away filed this Writ Petition. What is stated by learned counsel for the petitioner ought to have been brought to the notice of the respondent – Corporation contending that it cannot insist again for production of clearance certificate from revenue authorities, as the title to the subject property was settled through the decree passed by this Court in A.S.No.36 of 2006. Time and again, this Court held that no person can invoke extraordinary jurisdiction of this Court without exhausting the remedies available in law.

6. In spite of bringing to the notice of the competent authority the facts urged in this writ petition with regard to the ownership or title or any other aspect concerning her claim and if the authority makes an illegal order or rejects the claim without valid reasons, then she can invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

7. Having regard to the peculiar facts of the case, granting liberty to the petitioner to respond to the intimation, dated 20.12.2016, to enable her to place on record the documents in support of her objection as regards item No.6 of the said intimation, the Writ Petitions are disposed of.

8. It is needless to observe that as and when such representation is made enclosing all the relevant documents concerning the issue of item No.6, the competent authority shall consider and pass appropriate orders, as warranted by law, within a period of three weeks from the date of receipt of a copy of such application.

9. Learned counsel for the petitioner submits that the petitioner requires three weeks time to place the relevant documents in support of her claim with regard to objection No.6. It is noticed from the intimation given to the petitioner that only seven days time was prescribed for submission of required documents. Therefore, the concerned authority is directed to extend the time limit as fixed in the intimation by three weeks from today to enable the petitioner to submit all the relevant documents in support of her claim. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in these Writ Petitions shall stand closed.

P. NAVEEN RAO, J

Date:02.01.2017

Note:- Issue C.C. in ten days.

(B/o)
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