

HON' BLE SRI JUSTICE C.PRAVEEN KUMAR

AND

HON' BLE SRI JUSTICE N.BALAYOGI

WRIT PETITION Nos.39221 of 2017 and 38096 of 2017

COMMON ORDER: (per Hon' ble Sri Justice C.Praveen Kumar)

Heard Sri K.G.Krishna Murthy and Sri Satya Prasad, learned senior counsel for the petitioners. Heard the learned Government Pleaders for the 1st, 2nd, 5th, 6th and 7th respondents. Sri A.Ravindra takes notice on behalf of the 3rd respondent, Lokayukta. Ms. G.Jyothi Kiran takes notice on behalf of the 4th respondent, Hyderabad Metropolitan Development Authority. Sri Deepak Mishra takes notice on behalf of A.Savitri Devi, the 8th respondent in W.P.No. 39221 of 2017 and 7th respondent in W.P.No. 38096 of 2017.

2. With the consent of all parties, these Writ Petitions are disposed of at the admission stage.

3. It is stated by the learned counsel for the petitioners that on the basis of the orders passed by the Lokayukta dated 11.08.2017 on Complaint No. 20/2013/B1, the Executive Officer, Gram Panchayat, Bandlaguda Jagir issued notice dated 27.10.2017 and also issued demolition notice dated 03.11.2017, which are beyond the jurisdiction.

4. The learned senior counsel for the petitioners in W.P.No. 39221 of 2017 would submit that Lokayukta has no jurisdiction to issue orders for demolition, in view of the judgment of the Full Bench of this Court in DR. R.G.SUNIL REDDY v. A.P. LOKAYUKTA, reported in 2015 (6) ALD 302.

5. On the other hand, the learned counsel appearing for the respondents, Sri Ravindra submits that no direction has been issued for demolition and only a report has been called for. He also pointed out that if really, there was such a direction, there was no necessity for issuing notices to the petitioners asking them to submit their claims in writing, along with the statutory documentary evidence, failing which the structures raised would be removed.

6. A reading of the impugned order shows that the Joint Registrar/ District Cooperative Officer, Ranga Reddy District has filed his report dated 02.08.2017, stating that an enquiry under Section 52 of the Cooperative Societies Act has been ordered for holding inspection so as to take action for liquidation of the Society. The order further states that the liquidation of Society depends upon several factors, for which investigation has to be conducted by the Lokayukta. For filing inspection report, the matter was directed to be listed on 17.11.2017. The second para of the impugned order states as under:- “the District Panchayat Officer, Ranga Reddy District is directed to file his action taken report with regard to removal of encroachments.....” This

sentence is objected to by the learned counsel for the petitioners, stating that such a direction could not have been issued by the Lokayukta.

7. Though the learned counsel appearing on behalf of the 3rd respondent would submit that the Lokayukta never intended to remove the structures, but notices came to be issued on 03.11.2017 to the petitioners, for submission of their claims and also for removal of structures.

8. Therefore, if the argument of the respondents is to be accepted, the consequential notices dated 03.11.2017 are, *per se*, illegal. Hence, the order dated 11.08.2017 passed by the Lokayukta, to the extent of removal of encroachments', is set aside. However, the District Panchayat Officer, Ranga Reddy District can submit a report, putting the petitioners on notice, and thereafter, the 3rd respondent-authorities shall act in accordance with law. Accordingly, the notices dated on 03.11.2017, which are issued pursuant to the order passed by Lokayukta dated 11.08.2017 are hereby set aside.

9. With the above directions, the Writ Petitions are disposed of.

JUSTICE C. PRAVEEN KUMAR

JUSTICE N. BALAYOGI

28.11.2017
DMG