

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42203 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to order a writ more particularly in the nature of writ of mandamus directing the Respondent No.2 to 4 to initiate action on petitioner complaint dated 27-11-2017 by removing encroachment on the Government land as per the law on Plot Nos. bearing 203, 204, 205 & 206 in Survey No.332/2, admeasuring 560 sq.yrds situated at Suleman Nagar, Attapur Village, Rajendranagar Mandal, Ranga Reddy Dist. and to pass such other order or orders as this Hon’ble Court may deems fit just and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Mohd Abdul Wahab*, learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *N.Ashok Kumar*, learned Standing Counsel representing the Greater Hyderabad Municipal Corporation, appearing for the respondents 2 to 4. I have perused the material record.

3. The case of the petitioner and the submissions made on his behalf, in brief, are as follows: The subject property is in Plot Nos.203, 204, 205 and 206, in Survey No.332/2 and its extent is 560 square yards. It is situated at Suleman Nagar, Attapur Village, Rajendranagar Mandal, Ranga Reddy District. All properties in the said survey number are either Government lands or Wakf properties and that the property belongs to the Wakf institution and it is listed in the Register of Wakf as an endowed property and that the 5th respondent is proceeding with constructions in the subject property

illegally and unauthorizedly, without following the building permit and that despite giving a representation, dated 27.11.2017, to the 4th respondent, no action is being taken and, therefore, the present writ petition is filed.'

4. Learned Standing Counsel appearing for the respondents 2 to 4, while drawing the attention of this Court to the contents of the representation of the petitioner, would submit that there is a title dispute as regards the subject property.

5. Learned counsel for the petitioner submits that if a direction is given to the Deputy Commissioner, GHMC, to consider and dispose of the representation, dated 27.11.2017, of the petitioner, the ends of justice would be met.

6. Recording the submissions, the Writ Petition is disposed of directing the Deputy Commissioner, GHMC, to consider and dispose of the representation, dated 27.11.2017, of the petitioner, in strict accordance with procedure established by law, however, within a period of four (04) weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. It is made clear that if it is noticed, in the meanwhile, that the 5th respondent is proceeding with constructions unauthorizedly and illegally or in deviation of the building permit, if any, the respondents 2 to 4 authorities shall stop such constructions, by following the procedure established by law.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 15th December, 2017
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