

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42347 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit it is prayed that this Hon’ble Court may be pleased to issue a writ, order or direction more particularly one in nature of Writ of Mandamus, declaring the action of the Respondent Nos. 2 to 8 in trying to mark and dig 10 to 15 feet wide for widening of Nala, in south side of Tulip Residency of Petitioners Flat Nos. 401,402 & 201 in plot Nos.306 & 307 admeasuring 600 sq. yards situated within the layout of M/s Deepthisree Cooperative House Building Society Ltd., (hereinafter called as Society for Brevity) in Sy.No.126 of Hafeezpet Village, Serilingampally Mandal, Ranga Reddy District., State of Telangana., without their being any proceedings and without any notice whatsoever, inspite of the Petitioners representation dated 05-12-2017, as being illegal, arbitrary, violation of principles of natural justice, guaranteed under Articles 14, 19 and 21, and 300-A of the Constitution of India; and further direct the Respondent Nos. 2 to 8 to restore the south side adjacent wall open space covered by the approved layout on the south side of Petitioners land, which is the only cause to fall down of Tulip Residency and to pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case in the interest of justice.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *A.Samir Kumar Reddy*, learned counsel for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, Sri *Sampath Prabhakar Reddy*, learned Standing Counsel representing the Greater Hyderabad Municipal Corporation, appearing for the respondents 2 to 8, and of the learned Government Pleader for Revenue appearing for the respondents 9 to 11. I have perused the material record.

3. From the submissions made, it is discernible that the petitioners are aggrieved of the proposed action of the afore-stated respondents in not considering the representation, dated 05.12.2017, and in proceeding with restoration of Nala on the South side, adjacent to wall i.e., in an open space covered by the approved layout.

4. Learned counsel for the petitioners would submit that the course of the Nala is being changed and that if the representation of the petitioners is considered and disposed of, in strict accordance with procedure established by law, the ends of justice would be met.

5. In reply, learned counsel for the petitioners would submit that the respondents 2 to 8 will follow the procedure established by law in the subject matter.

6. Accordingly, the Writ Petition is disposed of directing the respondents 2 to 8 authorities not to interfere with the plot of the petitioners, in any manner, except 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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