

THE HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.1512 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the 2nd respondent-Corporation as well as the 1st respondent.

The prayer in the writ petition is as under:

“This Hon’ble Court may be pleased to issue a writ, order or direction, more in the nature of Writ of Mandamus declaring letter or order dated 30.12.2015 passed by the Respondent No.1 in Lr.No.3738/EMU/ HUDA / SRC /86 rejecting the request of the petitioner for allotment of bit of land admeasuring 110.38 sq.yards (88.13 sq.yards of Road Area+ 22.5 sq.yards of Bit of Land) in front of the residential house of the petitioner Plot No.B-64, Sy.No.9/1,HUDA Colony, Saroornagar Village, Hayathnagar Mandal, Ranga Reddy District as illegal, irrational, whimsical, untenable, without authority in law and consequently direct the Respondent No.1 to allot and register in the name of the Petitioner bit of land admeasuring 110.38 Sq.yards (88.13 sq. yards of Road Area +22.5 sy. yards of Bit of Land)....”

The factual matrix of the case is that the petitioner herein is the owner of the House property admeasuring 238 sq.yards bearing Plot.No.B-64 in Sy.No.9/1, HUDA Colony, Saroornagar Village, Hayathnagar Mandal, Ranga Reddy District. The petitioner purchased the above said property under a registered sale deed vide document bearing No.10867/1984 dated 19.10.1984 which is

an approved layout issued by the 1st respondent and since the date of the sale deed, the petitioner has been in peaceful possession and enjoyment of the same. It is also the case of the petitioner that the property situated at the dead-end of the colony road in the layout is without access for ingress or egress to any other property owners in the locality. In front of his property, there exists road area of 88.13 sq. yards which is dead-end. Further, adjacent to the road area, there exists a triangular bit of land admeasuring 22.25 sy. yards which is not useful to anybody nor used by anybody including respondent No.1. If the said land is left open, it being dead-end without any proper street lighting is prone to anti-social elements to have their activities like thefts and robberies in the locality and throwing liquor bottles in the bit of land and road area, endangering the residents and property. Therefore, he has submitted an application to the 1st respondent on 3.6.2005. Accepting the said application, the 1st respondent-authority on 18.6.2006, in principle, approved allotment of the said road area and bit area of land to the petitioner, subject to a condition of submission of no objection of the remaining allottees in front of the street and also from the local municipality as it is not useful to HUDA or any others. The petitioner also submitted no objection letter from the other plot owners on 11.7.2006 to the respondents. Though respondents promised to look into the matter, no action has been taken.

Learned counsel for the petitioner brought to the notice of this Court about the joint inspection made by the authorities for considering his request. Since the dead-end road bit and the bit

abutting to it is not useful for any other locality persons, the same may be allotted to him.

In reply, the 1st respondent authority filed counter affidavit stating that the request of the writ petitioner was rightly rejected to allot road area of 88.13 sq.yards and 22.50 sq. yards of bit land situated opposite side of the allotted plot of the petitioner as the allotment of the road area and parks are under the direct control of the Greater Hyderabad Municipal Corporation. Even the Greater Hyderabad Municipal Corporation cannot allot the road area to individuals since it became a public property. In-fact, CC road was already laid in front of the petitioner's house bearing No.B-64 till the end of the compound wall of the Victoria Memorial Hall. That being the position, the request of the petitioner cannot be considered.

The 2nd respondent-Corporation also filed counter affidavit stating that the Corporation will utilize the dead end area for raising greenery and plantation which may help the public welfare of the locality.

In the light of the specific stand taken by the 1st respondent authority and the 2nd respondent-Municipal Corporation, viewed from any angle, the request of the petitioner cannot be considered. More so, the roads as well as the open spaces in an approved layout automatically vests with the 2nd respondent-Corporation. When the 2nd respondent-Corporation has categorically come out with a counter affidavit that it is an integral part of the government land, no further cause would survive in the present writ petition *qua* allotment of the bit in question to the petitioner.

Therefore, this Court is of the opinion that there are no merits in the writ petition and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE P.KESHA RAO

Date: 26/04/2018

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