

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.14591 of 2015

Order:

This Writ Petition is filed to declare the inaction of the respondents 11 and 14 on the representation filed by the petitioners dated 23.04.2015, as illegal and arbitrary.

The case of the petitioners is that the sixth respondent started construction of overhead water tank on the open place left for the purpose of public park touching the petitioners plots by encroaching 15' wide road existing on the eastern side of the plots of the petitioners and closing the 15' wide road.

Learned counsel for the petitioners submits that in the counter affidavit filed on behalf of the respondents 11 to 14 the Assistant Planning Officer and Director In-charge of the Hyderabad Metropolitan Development Authority specifically deposed that as per the approved HUDA final layout a piece of land is earmarked for open space on the eastern side of the plots, in between the plots and open space there is a 15' wide proposed road, which should be kept as open space. He submits that in the counter affidavit filed by the sixth respondent, it is stated that there is no road in front of the petitioners plot and it is only 6' lane and not 15' as stated by the petitioners.

This Court, while ordering notice before admission on 21.05.2015, passed an interim order directing the respondents 7 and 8 to stop the construction work of overhead water tank in 15' wide road existing on the eastern side of Plot bearing Nos.80 and 82, admeasuring 620 sq. yards, in

Survey Nos.20, 21, 22 and 33/part, situated at Shamshabad village and Mandal, Ranga Reddy district.

Counter affidavit has been filed by the seventh respondent – Assistant Engineer, Rural Water Supply and Sanitation Department, Shamshabad Mandal, Ranga Reddy District, stating that earlier the petitioners herein filed W.P.No.5361 of 2015 and this Court passed an interim order by observing that “water tank can be constructed in the park area and that it is only confined to the land provided in the layout. However, this will not preclude the Gram Panchayat from constructing the over head tank in the park area”.

In view of the contradictory statements made by the respondents, the petitioners are at liberty to file a fresh representation setting out their grievances to the 14th respondent – Assistant Planning Officer, HMDA Zonal Office, Shamshabad village and Mandal, Ranga Reddy district, within a period of four (4) weeks from the date of receipt of a copy of this order and, on such representation being made, the 14th respondent – Assistant Planning Officer shall consider the same and pass appropriate orders thereon in accordance with law within a period of eight (8) weeks thereafter. As there is an interim direction granted by this Court on 21.05.2015 directing the respondents 7 and 8 to stop the construction work of overhead water tank in 15’ wide road, the same direction will continue till the disposal of the representation to be filed by the petitioners. However, if the petitioners do not file the representation within the specified period, the said interim direction shall stand vacated automatically.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

KONGARA VIJAYA LAKSHMI, J.

Date: 06.12.2018
Nsr



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