

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**I.A. No.13 OF 2018 IN W.P. (PIL) No.62 OF 2017,
W.P. No.39390 OF 2013,
W.P. (PIL) No.62 OF 2017
AND
W.P. No.10255 OF 2017**

COMMON ORDER: (per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

1. When these matters are taken up, we see that I.A. No.13 of 2018 in W.P. (PIL) No.62 of 2017 is pending seeking impleadment of the applicant therein as 12th respondent. We have considered the contents of the plea of that person. We order impleadment and allow that application without prejudice to the contentions *inter se* of the different parties to these litigations.

2. The Public Interest Litigation is instituted by the Devathala Gutta Parirakshana Samithi on the plea that the land on which Veerabhadra Swamy Temple stands was vandalised and the said temple was demolished and the said parcel of land has been put to different purposes by the 8th respondent who is stated to be a builder. Declaration is sought to the effect that the official respondents 1 to 7 have not taken due action as enjoined by laws. In that Writ Petition, additional respondents 9 to 11 are brought on record on their plea that they are holders of private land in some portions of the entire land in relation to which that Writ Petition is filed.

3. While the aforesaid Public Interest Litigation Writ Petition relates to Sy. Nos.78 to 90 in Devathalagutta, Balapur village

and Mandal, Ranga Reddy District. The plea of some of the additional respondents in that Writ Petition were accepted and an interlocutory order which was issued was modified to a limited extent, as regards lands involved in certain survey numbers.

4. In answer to the allegations in the Public Interest Litigation Writ Petition that the official respondents 1 to 7 are either acting hand-in-glove or not taking any action against the 8th respondent, the 4th respondent-District Collector placed an affidavit essentially corroborating the situational pleadings that the properties have encroached upon. However, the District Collector took the stand that the 8th respondent appears to be controlled by people who have impropportionable money and muscle power and the district administration is, therefore, unable to move forward and even enter the property. This Court, therefore, required one of its Registrars to make a site inspection under police cover and with the assistance of the revenue officials and that has been carried out. The report is on board. We have perused it. None of the parties has filed any objection to that report. We do not see any reason to disbelieve or discredit that report. Having regard to the totality of the facts and circumstances, this Court had issued different interlocutory orders from time to time, all of which now lead to the situation that there is an order which prevents any further construction activity in the property in question and which has also granted certain exclusions of certain lands from the cover of such order.

5. The present requirement would, therefore, be for the District Collector to effectuate his statutory authority in terms of the different statutory provisions and deal with any property which has vested in it, and resume or otherwise protect the lands, which are to be protected in terms of those statutory provisions. The role of the Hyderabad Metropolitan Development Authority is only regarding sanction of certain building permissions or otherwise. The action or inaction of that authority cannot be a shield for the District Collector to evade from exercising lawful authority as is expected of that statutory authority.

6. Under the aforesaid circumstances, while affirming all the interlocutory orders issued in this case and directing that *status quo* as on today on the basis of those interlocutory orders shall be preserved. It is further directed that the District Collector, Ranga Reddy District, who is the 4th respondent in WP (PIL) No.62 of 2017, will carry out the necessary action in accordance with law to resume the Government lands and other lands which are required to be brought under Government control in consonance with what has been stated in the materials on record by or on behalf of the State and the Hyderabad Metropolitan Development Authority. It is clarified that the prohibitory order regarding construction activities will continue. The aforesaid direction shall be carried out by the District Collector by following due procedure and with notice to the necessary parties. However, such process shall be completed, without fail, within a period of three months from the date of

receipt of a copy of this judgement. This time limit shall be treated as peremptory. Following that the Hyderabad Metropolitan Development Authority or the Nagar Panchayat or any other authority including the revenue authorities shall take further requisite action to restore the property to its due possession in accordance with law. This action shall follow within a further period of three months, without fail. Once such decision making process concluding with the hand of the District Collector and the Hyderabad Metropolitan Development Authority, the inhibitions imposed as per this order on construction activity will stand lifted. It is also clarified that any application pending before the District Collector or any other authority for regularisation including any application from the petitioner in WPMP. No. 12706 of 2017 in W.P.10255 of 2017 will be considered by the competent authority in accordance with law. Similarly any applications pending by any petitioners, among the petitioners in W.P.10255 of 2017, will also be considered in accordance with law. However, consideration of these issues will stand deferred till the District Collector and the Hyderabad Metropolitan Development Authority decide the issues which it ought to, in terms of the directions contained herein.

7. With this nothing survives in W.P. No.39390 of 2013, since all issues raised therein are covered by what is held aforesaid.

8. All these Writ Petitions are disposed of accordingly. It is ordered as above, further directing the District Collector and the

Commissioner, Hyderabad Metropolitan Development Authority, shall submit action reports before the Registrar-General of this Court as and when they complete due discharge of their responsibilities in terms of the directions of this order. The Registrar-General will thereupon place that matter on the administrative side for perusal of the Hon'ble Chief Justice.

9. The miscellaneous petitions pending, if any, shall stand closed. No costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

RAMESH RANGANATHAN, J

Date: 10.07.2018.
MRKR/CS

