

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.7195 of 2018

Order:

This Writ Petition is filed challenging the memo No.53613/Assn.II(2)/2009-9, dated 02.01.2018, along with its minutes dated 23.12.2017, whereunder the third respondent directed the respondents 4 to 8 to take further action on the decision taken in the meeting held on 23.12.2017 with the first respondent Special Chief Secretary to Government, Revenue Department, in terms of the minutes of the meeting, thereby directing to take possession of amenity area in the layout in Survey Nos.203 and 204 of Manikonda Jagir village belonging to the petitioner society and taking over of the petitioner society by appointing a person-in-charge, directing the GHMC and HMDA to take action against the houses constructed without permission and deviation and to submit action taken report to the Government in Revenue Department.

When the matter was taken up for consideration on 06.03.2018, learned Government Pleader submitted that the society was superseded by an order dated 27.02.2018 and it was acknowledged by the office bearers of the society, but the receipt of the said proceedings were denied by the learned counsel for the petitioner.

Today, when the matter is taken up for consideration, learned counsel for the petitioner filed two applications in I.A.Nos.2 and 3 of 2018 seeking impleadment of parties as petitioners 2 to 9 and respondents 9 and 10. But, the consideration of those applications are not necessary, in view of the averments made in the affidavit filed in support of those applications stating that one of the petitioners received the said proceedings dated 27.02.2018 while he was on the way to Warangal and

he did not bring it to the notice of the counsel for having knowledge of the said proceedings at the time of arguing the matter on 06.03.2018.

Be that as it may, against the orders dated 27.02.2018 it is stated that C.T.A.No.5 of 2018 was filed before the Telangana Cooperative Tribunal, Hyderabad and a notice was ordered. The said appeal is pending before the said Tribunal.

This Court noticed that the minutes of meeting enclosed to the memo dated 02.01.2018 is an inter-departmental communication deciding to take some action in respect of the decisions taken therein. The decisions taken in the said meeting are as follows.

“1. The Collector, Rangareddy District shall furnish the particulars of members and plots of Housing Societies as required, within one week.

2. The District Collector, Rangareddy shall take the possession of the amenity areas in the layout situated in Sy.Nos.203, 204 etc., of Manikonda Jagir village, Rajendranagar Mandal, belonging to the Hyderabad Public Servants Housing Society.

3. The Co-operative Department shall take necessary action for taking over the Hyderabad Public Servants Housing Society by appointing person-in-charge and submit the information regarding the members of the Society to the Government.

4. The GHMC and HMDA shall take all the necessary measures against the houses, which have been constructed without permission or in deviation of the layout/Building plans, in the above layouts. The GHMC and HMDA shall inform the action taken, in the matter to the Government in Revenue Department, immediately, so as to submit the same to the Chief Secretary.

5. After receiving all the required information from the concerned, a factual note may be submitted to the Chief Secretary, in the matter.”

Unless consequential action is taken pursuant to the said decisions, there cannot be any cause of action to the petitioner. Now, pursuant to the decision at Serial No.3, the order dated 27.02.2018 was passed superseding the managing committee of the petitioner Society and appointing an Official Administrator under Section 34(1)(c) of the TSCS

Act, 1964 to manage the affairs of the Society. The said order is under challenge in the appeal as stated above. With regard to other decisions taken in the meeting, no orders are passed and hence no cause of action has arisen for such decisions.

Since the grievance in the present Writ Petition relates to taking over possession of the amenity areas in the layout situated in Survey Nos.203 and 204 of Manikonda Jagir village belonging to the petitioner Society and since the Society itself is superseded and is being managed by the Official Administrator, it is for the Official Administrator to take appropriate steps. In view of the same, any decision with regard to take over would be subject to the result of an order to be passed in the pending C.T.A.No.5 of 2018.

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

In view of the disposal of the Writ Petition as aforesaid, no separate orders need be passed in I.A.Nos.2 and 3 of 2018.

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

A.RAMALINGESWARA RAO, J

Date: 13.03.2018

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