

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.9725 OF 2006

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents, more particularly respondents 4 to 7, preventing the petitioners from raising compound wall, including on the north-eastern side of the compound wall with dimensions of 40 meters in length and 20 feet in depth of the land to the extent of Ac.10-00 forming part of Sy.No.99, situated at Kalwakurthy Village and Mandal, Mahabubnagar District, as arbitrary, illegal, without jurisdiction and contrary to the provisions of the Gram Panchayat Act and consequently, to direct respondents 4 to 7 not to prevent the petitioners from raising the compound wall and not to claim any rights in the entire extent of the land admeasuring Ac.10-00 including north-eastern portion of the land, forming part of Sy.No.99, situated at Kalwakurthy Village & Mandal, Mahabubnagar District.

Heard Sri G.Dhananjai, learned counsel for the petitioners and Sri N.Praveen Kumar, learned counsel for the 4th respondent.

Learned counsel appearing for the petitioners contended that the 1st petitioner is an association, which runs various

educational institutions in the State of Telangana; the petitioners had acquired Ac.10-00 of land in Sy.No.99 at Kalwakurthy Village and Mandal, Mahabubnagar District, for establishing B.Ed College; when the petitioners have taken steps for construction of the said college, the respondents insisted the petitioners to surrender 300 square yards of land for public purpose otherwise they will not grant permission. Learned counsel further submits that such a condition to part with 300 square yards in favour of the Gram Panchayat, is arbitrary and without jurisdiction.

Learned counsel for appearing for the 4th respondent contended that during pendency of the writ petition, the petitioners had constructed a compound wall and established a B.Ed College and hence, the cause in this writ petition does not survive for adjudication and the same has become infructuous.

I have considered the rival submissions made by the learned counsel on either side.

As can be seen from the record, no proceedings have been initiated by the 4th respondent asking the petitioners to surrender 300 square yards of land for public purpose as a pre-condition for grant of building permission.

In the absence of the same, the 4th respondent-Gram Panchayat cannot insist the petitioners to hand over 300 square yards of land for the public purpose as a pre-condition for grant of building permission. If the 4th respondent intends to acquire 300 square yards of land, they must initiate proceedings under the Act.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

4th April, 2018
rkk



JUSTICE ABHINAND KUMAR SHAVILI