

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.21321 of 2018

ORDER:

Heard Sri A.Sudarshan Reddy, learned Senior Counsel representing Smt.M.Renuka, learned Counsel for the petitioner and Smt.D.Madhavi, learned Standing Counsel for R.2 to R.4.

2. Proceedings of the Chief General Manager (Tech), Hyderabad Growth Corridor Limited, vide Lr.No.CGM(T)/HGCL/DGM(S)/Grid Roads/2809/2013-14, dated 30.05.2018 are under challenge in the present Writ Petition.

3. By way of the said proceedings, the respondent-authority declined to consider the request of the petitioner herein for providing access to the Service Road of ORR at Velimela (v) in Sy.No.80 of Velimela village, Ramachandrapuram Mandal, Sanga Reddy District. According to the petitioner, an extent of Ac.3.25 gts., in Sy.No.80 of Velimela village, out of Ac.5.14 gts., was acquired for formation of ORR around Hyderabad city. The said land initially belonged to one Mallanolla Mallaiah and his family members. It is further stated that the petitioner herein purchased the rest of the extent of Ac.1.29 gts., out of the above Ac.5.14 gts., by way of a registered sale deed bearing document No.16853/2013, dated 26.08.2013 and an extent of Ac.1.00 is situated on the western side of ORR and Ac.0.29 gts., is on the eastern side of ORR. On an application made by the petitioner herein, the Government of Telangana vide proceedings No.A2/9558/2016, dated 06.01.2017, granted permission for conversion of the said land from agriculture to non-agricultural

purpose. It is further stated that the petitioner herein has permission from the respondent-authorities under SDZ to develop the subject land into residential houses/apartments. In the above background, the petitioner herein submitted an application/representation on 16.05.2018 to the respondent-authorities to grant road access to the Service Road to approach to the lands on both sides. The 4th respondent, vide the impugned proceedings, dated 30.05.2018, declined to grant permission to the petitioner herein while quoting Clause 6 of G.O.Ms.No.470, dated 09.07.2008.

4. According to the learned Senior Counsel, the impugned action is highly illegal, arbitrary and discriminatory. In elaboration, it is further submitted that M/s.Gaudiam International School and Metro County which are situated very nearer to the subject land have been given road access from the service road by the HMDA authorities and the same was also brought to the notice of the authorities in the representation, dated 16.05.2018, but the respondent-authorities did not consider the same and issued the impugned proceedings.

5. A counter affidavit, deposed by the 4th respondent is filed on behalf of respondents No.2 to 4, justifying the impugned action, while stating that the access given to M/s.Gaudiam International School and VBR Infra stand on a different footing.

6. A perusal of the impugned Order discloses, in clear and vivid terms, that the 4th respondent herein issued the same without considering the permissions granted in favour of the above mentioned institutions. A plan is also filed along with the

Writ Petition as material paper at page No.35. However, the same is got prepared by the petitioner herein, wherein it is shown that the distance between the subject land and M/s.Gaudiam International Schol is 0.8 KMs., and the subject land and Metro County is 0.5 KMs.

7. According to the learned Senior Counsel, these aspects missed the attention of the 4th respondent while considering the request.

8. Having regard to the submissions made by the learned Senior Counsel and the learned Standing Counsel, this Court deems is appropriate to remand the matter to the 4th respondent for fresh consideration with a further direction to the respondents to re-consider the representation, dated 16.05.2018, submitted by the petitioner herein, by setting aside the impugned proceedings, dated 30.05.2018. It is also open for the petitioner herein to file additional material, if any, in support of his contention, within a period of one week from the date of receipt of a copy of this Order. The Writ Petition is accordingly allowed.

Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

Date:26.07.2018

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