

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 28252 of 2009

ORDER:

Petitioners state that they are the owners of houses in Lane No.3, Street No.7, Gaganmahal, Domalguda, Hyderabad; that there exists a park in the locality from 1965 and about 25 years back, some portion of it was allotted to Kuchipudi Dance Academy; that they filed a representation on 14.12.2009 before respondent No.1-Government of Andhra Pradesh, Municipal Administration & Urban Development Department, Hyderabad, when respondent No.2-Greater Hyderabad Municipal Corporation, Hyderabad, was proposing to construct a community hall in the remaining 60% park area and that though the park area vests with the Corporation, it cannot change its nature as per the Layout Rules, 1965. Their grievance is that the respondents are converting the open space/lung space by constructing the community hall in the park area. Hence, they filed this writ petition for issuance of a direction to the respondent authorities not to make any construction in the park area.

Heard the learned counsel for the petitioners.

Learned Standing Counsel for the Corporation submits that the construction was sought to be made over the land to an extent of 390 square feet for the purpose of extension of community hall, which is in existence, as requested by the people of the locality.

It is not in dispute that 40% of the park area has already been occupied by Kuchipudi Dance Academy and 60% is remaining. It may be noted that the community hall is already in existence. Further, the assertions of the petitioners have not been denied by the respondents. When the total area available is only 600 square yards, out of which 40% of the area is in occupation, there is hardly any further area which would be left. In view of the same and as it is well settled that there is a prohibition to convert the open space/lung space by constructing the buildings, the writ petition deserves to be allowed in all respects. Further, considering the assertion of the petitioners that Kuchipudi Dance Academy was constructed by a private party in the park area, respondent No.2 is directed to examine the same and take necessary steps by following due procedure.

Subject to the above, the writ petition is disposed of.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:11.10.2018

kdl