

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 30810 of 2018

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 2 to 4 in not allowing the petitioners to proceed with the construction of building consisting of Cellar, Ground+ three upper floors in accordance with the permission granted by the respondents 5 and 6 vide File No.2/ C11/ 06872/ 2018 in Permit No.2/ C20/ 09747/ 2018, dated 07.06.2018 in Sy.No.77 admeasuring 624.97 square meters situated at Nanakramguda, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary.

2) The petitioners 1 to 4 claim to be the owners and possessors of land admeasuring Ac.0.18 gts., in Sy.No.77 situated at Nanakramguda Village. On an application made by the father of the petitioners 1 to 4, the Revenue Divisional Officer, Chevella Division, situated at Domalgunda, Hyderabad, after conducting necessary enquiry, issued occupancy certificate vide proceedings No.L/ 5775/ 1997 dated 08.06.1999. On an application made by the father of the petitioners 1 to 4, the Mandal Revenue Officer, Serilingampally, R.R.District, issued proceedings

No.B/ 3418/ 99, dated 18.07.1999 for implementation of occupancy rights issued by the Inam Tribunal/ Revenue Divisional Officer, Chevella. Pursuant thereto the name of the father of the petitioners 1 to 4 was mutated in the revenue records as pattadar and possessors and the Mandal Revenue Officer also issued pattadar pass book and title deed in favour of the father of the petitioners 1 to 4. It is said that the land in Sy.No.77 is situated abutting the road leading from Khajaguda to Nanakramguda, which is having potential value for construction of a multistoried building. After the demise of their father, the petitioners 1 to 4 have succeeded the said property. They made an application before the fourth respondent, seeking to conduct survey of the land in Sy.No.77 and demarcate its boundaries. Pursuant thereto, the survey is said to have been conducted, boundaries were fixed and survey report and sketch was prepared by the Mandal Surveyor. As the subject land is abutting the road, the petitioners made an application seeking regularization of unapproved layout. The 6th respondent issued proceedings dated 15.12.2017 regularising the subject land admeasuring 981.69 square meters after collecting penalization charges etc. Later, the petitioners 1 to 4 are said to have entered into a development agreement with the 5th petitioner, authorizing him to do the acts enumerated therein, which is

inclusive of obtaining permission from the respondents 5 and 6. In view of the above, the 6th respondent, upon considering the application together with documents enclosed, issued permission vide permit Nos. 2/C11/06872/2018 and 2/C20/09747/2018, dated 07.06.2018 for construction of Cellar, Ground + Three upper floors on the subject land in respect of land admeasuring 624.97 square meter only. On 09.07.2018, when the petitioners started construction of a compound wall, the respondents 3 and 4 and their staff interfered and obstructed them from proceeding with the construction, without assigning any reasons and also demolished the compound wall constructed around the subject land. Challenging the same, the present Writ Petition came to be filed.

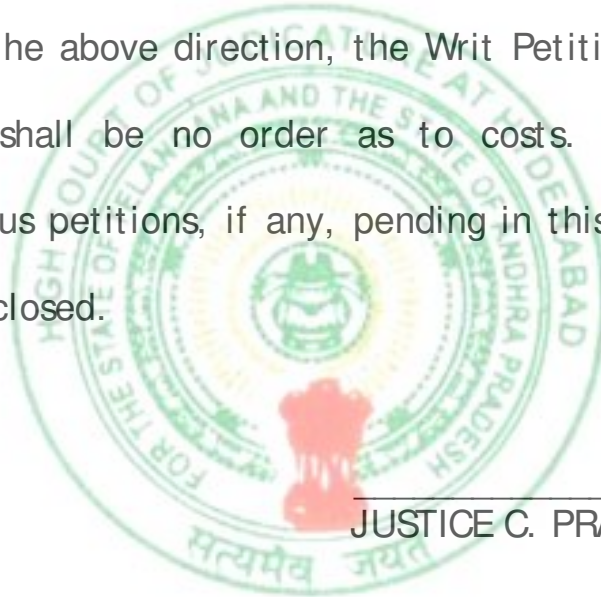
3) Learned Government Pleader for Revenue (TG) on instructions states that the interference is only when the petitioners encroached on to the service road by erecting a tin shed.

4) At this stage, learned counsel for the petitioners would submit that the 6th respondent regularized the subject land admeasuring 981.69 square meters after collecting penalization charges and the construction made is only within the land regularized.

5) Learned Standing Counsel for the Municipality would submit that permission was given for construction in 624.97 square meters only apart from imposing certain restrictions.

6) Having regard to the above, the petitioners shall proceed with the construction in accordance with the permission granted by the municipal authorities in the land admeasuring 981.69 square meters, which is regularized. Any deviation shall be viewed seriously.

7) With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

19.09.2018
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