

THE HONOURABLE Dr.JUSTICE B.SIVA SANKARA RAO

Writ Petition No.44513 of 2017

ORDER :

Heard the learned counsel for the petitioner-Triyuga Enclave Owners Welfare Association rep. by its President, and Sri T.Sudhakar Reddy, learned Standing Counsel for HMWS&SB for respondent Nos. 1 to R.4, Sri A.Ramakrishna Reddy for R.5-Vasantha Valley Owners Welfare Association(for short, 'the Association'), Sri K.Kondal Rao, learned counsel for R.6-Sri Vasantha Estates Private Limited respectively and perused the writ petition prayer, supporting affidavit and other material on record.

2. The prayer in the Writ Petition as follows:-

“to issue a writ, order or direction, more particularly, one in the nature of writ of mandamus declaring the proceedings of 2nd respondent bearing Lr.No.C.G.M.(Engg.) O&MC-IV/ 2017-18/ 1754 dt.15.12.2017, pursuant to which the 2nd respondent has revoked the proceedings of the 3rd respondent bearing Lr.No.GM(E)/ O &M.Div.XV/ 2017-18/ 886 dt.06.09.2017 without issuing any notice to the petitioner, as without jurisdiction, illegal, arbitrary and violative of principles of natural justice and contrary to the provisions of the water supply agreement, dt.7th February,2007 and set aside the same and pass such other order/ s as this Hon'ble court deems fit and proper.”

3. Undisputedly, there was an agreement dated 07.02.2007 entered by R.6-Sri Vasantha Estates Private Limited rep. by its Managing Director with R.3-HMWS&SB, and the agreement is to supply 180.00 kilo litres of water per day through 100MM dia size connection and it is mentioned in clause No.9 that in all matters anywise relating to this agreement, the General Manager (Engg)-R.3 water supply maintenance division No.IX shall represent the Board and shall be deemed to be acting for and on behalf of and by

the order and direction of Board. The General Manager passed orders in letter No.GM(E)/ O&M.Div.XV/ 2017-18/ 886, dt.06.09.2017 by addressed to the writ petitioners marking copies to the writ petitioner mentioning that on the complaint of illegal municipal water and sewerage connection to the Villas and Apartments units in Sy.No.135/ 2,Gachibowli and 3 apartment Building in sy.Nos.7 and 8, Kondapur, Hyderabad, inspected by the Deputy General Manager(DGM(E),SD-I, Madhapur dt.18.08.2017 in regard to the alleged illegal water supply to the villas of Vasanta Valley (R.5) and others) and it is answered in 5 paragraphs by the proceedings particularly in paras-4 and 5 saying as per HMWS&SB norms the bulk consumer namely M/s Vasantha Valley rep. by V.V.K.Prasad obtained bulk water supply sanctioned for buildings located in Sy.Nos.7 and 8 only and cannot extend water supply to the areas beyond sanctioned layout submitted at the time of sanction.

4. It is the say of the learned counsel for the petitioner that pursuant to the proceedings of the HMWS&SB, GM (Engineering) (R.3) in B4/ K/ 9622/ dt.16.09.2006., water connection sanctioned for the plot area in Sq.mtrs is 26,819. It is the core of the contention therefrom in the writ petition that it is not extended to the area of the apartments of the 5th respondent- Association White Fields, Kondapur, though it is obtained by the R.6 who is the developer for R.5-Association, according to the contention of the Builder-R.6, though the petitioner from the Writ Petition chosen to deny the same.

5. Be that it may, R.6-Sri Vasantha Estate Private Limited(R.6) made representation to the R.2-Chief General Manager (Engg) on 11.10.2017 regarding non-supply of water to the R.5 and others in seeking to restore the water supply and the R.2-Chief General Manager passed the Writ Petition impugned order on 15.12.2017 by marking copy to R.5. In fact, a perusal of the impugned order neither enables by virtue of the agreement entered between R.6 and R.3 for R.2 to pass the impugned order nor there is any statutory provision much less referred nor that could be shown by any of the respondents to support the impugned order. Leave apart, the impugned order is grave violation of the principles of natural justice even referring to representation of R.6 for restoration of water supply covered by the impugned direction of the General Manager by proceedings dt.06.09.2017 which is outcome of the representation of the petitioner to the writ petition once apparent, should have been given at least a notice and opportunity of hearing, leave about communication of the copy. Thereby at any cost the impugned proceedings of the R.2 are per se unsustainable.

6. Needless to say the remedy of R.5 and R.6 to protect the interest of R.5 also if at all is to approach the R.3 to question the impugned order dt.06.09.2017 by raising their objections for R.3 to pass appropriate orders and accordingly and with these directions, the Writ Petition itself is disposed of setting aside the order of R.2, however with a direction that the R.5 and 6 both can approach R.3 if at all it requires modification of the impugned order of the

R.3,dt.06.09.2017 and R.3 after hearing them and also the petitioner, shall pass appropriate orders and communicate the same to them. Any further grievance of any of them is left open. Needless to say the water supply as it is of today shall continue.

Consequently, miscellaneous petitions, if any, pending shall stand closed.

Date:01.02.2018
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Dr. B. SIVA SANKARA RAO J,

