

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.910 of 2019

O R D E R:

Petitioners assert that they purchased plot Nos.290 and 273 in Survey Nos.40 and 47 respectively, situated at Sai Priya Nagar-II, Surmaiguda Village, Abdullapurmet Mandal, Ranga Reddy District, under registered sale deeds from respondent Nos.4 and 5, as per the layout of Laskerguda Gram Panchayat, and later, respondent No.4 having alienated some of the plots covered by such layout, executed GPA in favour of respondent No.5 with respect to some extent of the land in Survey Nos.40 and 47; that the Hyderabad Metropolitan Development Authority (HMDA) by ignoring such layout, granted layout in favour of respondent No.4; that the petitioners filed a complaint before respondent No.2 seeking revocation of the layout granted in favour of respondent No.4; that as a matter of fact, HMDA has issued a notice to the parties concerned by fixing a date of hearing but respondent No.4 did not attend to the same; that respondent Nos.4 and 5 are proceeding with the developmental activities in the land in Survey Nos.40 and 47, as such, the petitioners filed an application for stay of all further proceedings in pursuance of the layout granted in favour of respondent No.4. The grievance of the petitioners is that respondent No.2 is not considering their application for grant of stay. In the circumstances, the petitioners approached this Court by way of filing this Writ Petition seeking to declare the action of respondent

No.2 in not considering the stay application submitted by them pending disposal of their complaint as illegal and arbitrary and to consequently, direct respondent Nos.4 and 5 not to allow developmental activities over the land in Survey Nos.40 and 47 pending finalization of the proceedings by respondent No.2.

Learned counsel for the petitioners submits that respondent No.2 is on tour to USA and in the meanwhile, respondent Nos.4 and 5 are vigorously making efforts to proceed with the developmental activities on the subject land which would cause hardship to the petitioners and therefore, prays for grant of stay of the layout granted in favour of respondent No.4.

Learned Standing Counsel for respondent No.2 opposes the writ petition as not maintainable by asserting that the petitioners are seeking injunction against respondent Nos.4 and 5 and that the complaint and the interim application submitted by the petitioners would be disposed of in accordance with law.

Having regard to the respective submissions, considering the fact that the petitioners are in possession of the plots covered by the subject Survey Numbers having acquired their right and title through registered sale deeds executed by original owners and as the complaint as well as the interim application stated to have been submitted by the petitioners are pending before respondent No.2, respondent No.2 shall examine the same and pass appropriate orders, by following due process of law, within four weeks from the date of receipt of a copy of this order.

However, the petitioners are at liberty to approach the civil Court and obtain injunction against respondent Nos.4 and 5.

The writ petition is accordingly disposed of.

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

CHALLA KODANDA RAM, J

Dt:22.01.2019

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