

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.2848 of 2019

ORDER :

The present Writ Petition is filed challenging the inaction of the respondents in granting layout permissions to the members of the petitioner association in respect of their subject plots at Changicherla Village, which is now within the Boduppall Municipality. They further challenge the same as contrary to the judgment of the Division Bench in W.P.No.24260 of 2008 and batch, dated 11.07.2016, giving general directions to the authorities, particularly, the Greater Hyderabad Municipal Corporation (GHMC), Hyderabad Metropolitan Development Authority (HMDA), Irrigation and Revenue to conduct survey of all lakes/tanks/lands within the limits of GHMC to determine Full Tank Level (FTL) after issuing notice to the petitioners therein/unofficial respondents or any other person who claim or deny that their lands are within FTL and then proceed to put up fencing covering the FTL.

Learned counsel for the petitioner submits that the petitioner association purchased the subject land and filed applications for grant of layout permission. He further submits that the inaction on the part of the respondents in considering such applications is causing enormous loss to the members of the petitioner association, which had purchased the plots for construction of houses.

Learned counsel for HMDA as well as the learned counsel appearing for the fifth respondent submit that the ratio in the aforesaid judgment of the Division Bench is limited to the areas

falling within the Municipal Corporation and does not extend to the municipal areas beyond the GHMC limits.

Having perused the judgment of the Division Bench and taking into consideration the submissions made by the respective parties, notwithstanding the fact that the judgment of the Division Bench was in relation to the facts in the case before the Division Bench, the ratio of the said judgment can be applied to the cases falling within the municipal areas as well. The object of the directions of the Division Bench is to ensure protection of the lakes and to ensure that the FTL levels are restored to its state, however by following due process.

In those circumstances, in terms of the ratio of the Division Bench judgment, the present Writ Petition can be disposed of by giving liberty to the petitioner to approach and make an application before the Assistant Director, Survey and Settlements, of the concerned division to cause survey of the land of the petitioner taking into consideration all the relevant records from the respective authorities, particularly pertaining to the Pochamma Kunta tank. As and when such an application is made, the Assistant Director, Survey and Settlements, shall take necessary steps by issuing notice to all the concerned authorities like HMDA, GHMC, Revenue and Irrigation. Such exercise shall be completed within a period of three weeks from the date of the application filed by the petitioner. It is also made clear that the petitioner shall bear all the costs in relation to the survey, which is required to be conducted, and the authorities shall extend their cooperation in completion of the same to find out whether the subject survey numbers fall within the FTL of Pochamma Kunta tank or not.

The Writ Petition is, accordingly, disposed of.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

14.02.2019
vs

CHALLA KODANDA RAM, J