

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4060 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an Order, direction particularly one in the nature of Writ of Mandamus or any other appropriate Writ (i) declaring the inaction on the part of the respondents 1 - 4 herein in considering the representation dated 11-12-2018 filed by the petitioner about the stopping and demolition of illegal, unauthorized construction being undertaken by the respondent No. 5 - 8 by dispossessing the petitioner in respect of i.e. land in Sy.No.294/1, 294/2, 294/3, 294/4, 294/5, 294/7, 294/8, 294/9, 294/10, 294/12 admeasuring Ac.6-10 guntas, situated at Guddimalkapur Village, Asifnagar Mandal, Hyderabad, as illegal, arbitrary, unjust, and contrary to the common order dated 05-06-2012 passed in W.P.No.18987/2011 and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case. (ii) declare the action of respondent No.5 being the Commissioner of Greater Hyderabad Municipal Corporation for undertaking illegal, unauthorized construction without any permission or clearance from revenue and municipal authorities under business partnership of respondent No. 6 to 8 in a disputed land i.e. land in Sy.No.294/1, 294/2, 294/3, 294/4, 294/5, 294/7, 294/8, 294/9, 294/10, 294/12 admeasuring Ac.6-10 guntas, situated at Guddimalkapur Village, Asifnagar Mandal, Hyderabad, which is pending subject matter of LGC No.39 of 2004 and various cases pending before the Civil Court, Hon'ble High Court, and Hon'ble Supreme Court of India, as illegal, arbitrary, unjust and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case (iii) to direct the respondent No.1 - 4 to remove the illegal, unauthorized construction raised by the respondent No. 5 - 8 without any permission from Revenue and municipal authorities by dispossessing the petitioner in respect of i.e. land in Sy.No.294/1, 294/2, 294/3, 294/4, 294/5, 294/7, 294/8, 294/9, 294/10, 294/12 admeasuring Ac.6-10 guntas, situated at Guddimalkapur Village, Asifnagar Mandal, Hyderabad, and pass such other order or orders may deem fit and proper in the circumstances of the case (iv) to direct the respondent No.1 and 2 to initiate disciplinary action against the respondent No.5 for indulging personally in illegal and grabbing and illegal construction activity under business

partnership with respondent No. 6 to 8 in a disputed land which is subject matter of pendency before the Land Grabbing Court, City Civil Court, Hon'ble High Court and Hon'ble supreme Court of India and pass such other order or orders as may deem fit and proper in the circumstances of the case."

2. Heard Sri V.R.Mannepalli, learned counsel appearing for the petitioner, learned Government Pleader for Revenue appearing for respondents 2 & 4 and learned Government Pleader for Municipal Administration and Urban Development appearing for the 3rd respondent. Perused the material available on record.

3. The grievance of the petitioner in the writ petition is that the respondents 6 to 8 are making constructions over the property in Sy.No.294/1, 294/2, 294/3, 294/4, 294/5, 294/7, 294/8, 294/9, 294/10, 294/12, admeasuring Ac.6-10 guntas, situated at Guddimalkapur Village, Asifnagar Mandal, Hyderabad, without obtaining permission from the Municipal Corporation and the said constructions are being permitted by the 5th respondent.

4. As can be seen from the array of the parties, the petitioner had not chosen to make the Commissioner, Municipal Corporation, as party respondent to represent the GHMC, who is the only competent authority with respect to the constructions that are being made within the city. The petitioner also does not assert in the affidavit of the writ petition whether he has sought information from the Municipal Corporation with respect to the alleged non-obtaining of permissions by these respondents 6 to 8 and whether any constructions are being made with respect to the land in Sy.No.294/1, 294/2, 294/3, 294/4, 294/5, 294/7, 294/8, 294/9, 294/10, 294/12 admeasuring Ac.6-10 guntas, situated at Guddimalkapur Village, Asifnagar Mandal, Hyderabad.

5. Though there are number of allegations which the petitioner makes in the writ petition, this Court is not inclined to entertain the writ petition with respect to the said allegations at this point of time, as they remain only as allegations and the crucial fact which is required to be pleaded in the writ petition not being there, the Writ Petition is, accordingly, closed by giving liberty to the petitioner to approach the Municipal Authorities seeking information by invoking the provisions of Right to Information Act and obtain the said information. Even thereafter, if the petitioner has any grievance, he may take appropriate legal proceedings, in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 27th February, 2019

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