

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7521 of 2019

ORDER:

The petitioner asserts that he is the owner of the property admeasuring Ac.20.17 guntas in Sy.No.623 situated at Nadergul Village, Balapur Mandal, Ranga Reddy District. He further asserts that respondents 3 and 4, without any permission from the second respondent, in the name of Green Field Welfare Society, are making a layout in part of the subject property. He further asserts that the Tahsildar has not disposed of the application in Case.No.B/216/2018 seeking restoration of the land. The petitioner approached this Court by filing WP.No.5901 of 2019 and this Court directed to dispose of the same, on merits, in accordance with law.

2. Learned counsel for the petitioner submits that in spite of the fact that the petitioner has approached the second respondent on 27.02.2019, specifically bringing to its notice that Case No.B/216/2018 is pending and the same is not being taken into consideration, in the meanwhile, respondents 3 and 4, without there being any permission, are proceeding with the development of the layout. He would further submit the legal notice issued on 16.03.2019 also is not responded to by the respondent authorities till date.

3. Heard Ms. D. Madhavi, learned standing counsel for the second respondent.

4. Having regard to the nature of the relief sought, this Court is not inclined to entertain the writ petition. However, at the outset, the petitioner is required to bring to the notice of the second respondent that respondents 3 and 4 are developing the layout without any permission and that there is a case pending before the Tahsildar, but the petitioner except writing a letter dated 27.02.2019 had not made any effort to obtain information from the second respondent whether, as a matter of fact, any application has been made by the said society seeking permission for making a layout and whether any such permission has been granted in favour of the said society represented by respondents 3 and 4. All that petitioner seeks is an innocuous order of consideration of the letter dated 27.02.2019.

5. As held by the Supreme Court in Civil Appeal No.11759 of 2018 dated 03.12.2018, not in every case there is a requirement of this Court under Article 226 of the Constitution of India to issue an order to consider and dispose of. In the case on hand, the petitioner before approaching this Court has not made due diligence, which he is required to make, whether, respondents 3 and 4 or the society had applied and sought for permission to develop the layout or not.

6. In those circumstances, the writ petition is premature at this stage. However, liberty is given to the petitioner to approach the second respondent invoking the provisions of the Right to Information Act seeking information, which shall be considered by the latter in accordance with law.

Subject to the above, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

April 10, 2019
DSK

CHALLA KODANDA RAM, J

