

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.7666 OF 2019

Date:16.04.2019

Between:

M/s. Meenakshi Infrastructures Private
Limited with office at # MCH No.8-2-293/82/A/119,
Plot No.119, Road No.10, Jubilee Hills,
Hyderabad, rep., by its Managing Director
Sri Chitturi Sivaji and another .. Petitioners

And

State of Telangana, rep., by its
Principal Secretary, Department
Of Municipal Administration and
Urban Development, Secretariat,
Hyderabad and another .. Respondents



The Court made the following:

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ORDER:

Heard learned senior counsel for the petitioners and learned Government Pleader for Municipal Administration appearing for respondent No.1 and learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent No.2.

2. According to petitioners, land to an extent of Ac.40.00 in Survey Nos.26, 27 and 28 of Jubilee Garden, Kondapur Village, Ranga Reddy District, was developed into layout, as approved on 22.01.1997. By formation of layout, the land was divided into 148 house plots and these divided plots were sold to various purchasers. Petitioners also purchased Plot Nos.2 to 5. Thereafter, they applied for regularization of the said plots and the orders of regularization were granted to the petitioners. While so, on 02.11.2018, show cause notice was issued calling upon the petitioners to show cause as to why the L.R.S. proceedings issued on 21.03.2018 should not be cancelled. The show cause notice would go to show that the plots regularized in favour of the petitioners were actually meant to be open areas and open areas cannot be regularized. This Writ Petition is filed apprehending that without appreciating the explanation offered by the petitioners, the respondent – GHMC would pass orders canceling the regularization granted to them.

3. Learned senior counsel appearing for the petitioners sought to rely upon two proceedings, dated 13.07.2011 and 16.04.2013 to

contend that even according to these proceedings of GHMC, open spaces were shown as 'zero'. Therefore, in the show cause notice, it cannot be stated that there was open space available in the layout and petitioners' plots fall in the open space.

4. These contentions are available to the petitioners which they may have urged in the explanation offered by them. It cannot be said that Commissioner is not competent to issue such show cause notice if it comes to the notice of the Commissioner that regularization is not valid and such regularization would be covering the open areas in layout. Whether there was open area, whether petitioners' plots form part of open area and regularization was illegally granted are the matters to be considered by the competent authority.

5. Learned senior counsel appearing for the petitioners sought to contend that material based on which it is alleged that petitioners are in occupation of open area is not supplied to them.

6. To the show cause notice dated 02.11.2018, petitioners offered their explanation on 08.01.2019. It is not known, whether any orders were passed by the competent authority on due consideration of the show cause notice.

7. Having regard to the above, without expressing any opinion on the merits of the case, the Writ Petition is disposed of with the following order:

- i) If no orders are passed by the Commissioner pursuant to the show cause notice dated 02.11.2018 and issue is pending at that stage, it is open to the petitioners to

submit application requesting to furnish the documents on assessment on open areas in the concerned layout;

- ii) if such application is submitted by the petitioners within one week from the date of receipt of a copy of this order, the Commissioner shall furnish the relevant documents and afford further opportunity to the petitioners to file additional explanation, if they so chose;
- iii) if the petitioners file additional explanation within two weeks from the date of receipt of the documents as requested by them, on due consideration of the explanation already offered and additional explanation that may be filed, by a reasoned order, an appropriate decision shall be made by the Commissioner.

There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

Date:16.04.2019

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P. NAVEEN RAO, J