

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9426 OF 2019

ORDER:

The case of the petitioner is that though he filed O.S. No. 1075 of 2018 on the file of the VIII District Judge's Court, Ranga Reddy District at L.B. Nagar for partition of the suit property and the 2nd respondent herein is a party thereto, the latter had filed an Application before the 1st respondent – Hyderabad Metropolitan Development Authority, represented by its Commissioner, for sanction of layout in respect of the subject property, suppressing the pendency of the suit. Therefore, it is stated, the petitioner got issued the legal notices dated 18.09.2018 and 15.03.2019 to the 1st respondent not to sanction layout, as sought by the 2nd respondent. The grievance of the petitioner is that though the 1st respondent, in pursuance of the legal notices, issued notice to the 2nd respondent on 28.01.2019, calling for its explanation, no orders are passed till date and that the 2nd respondent is carrying on the works, like laying of roads, drainage, etc, in the subject property. Hence, the present Writ Petition.

A counter-affidavit was filed on behalf of the 1st respondent - Hyderabad Metropolitan Development Authority, wherein it is stated that the 2nd respondent had applied *online* for approval of open plotted layout in Survey Nos. 158/P, 159/P, 222/P and 223/P of Thuprakhurd Village, Maheshwaram Mandal, *vide* Application No. 013526/SMD/LT/U6/HMDA/09072018 which was approved on 23.07.2018, pursuant to which, the 2nd respondent had also executed certain documents. It is further stated that the 1st respondent had examined the objections and issued the notice dated 28.01.2018 to the 2nd respondent to submit its explanation, for which, the 2nd respondent had submitted the letter dated 22.04.2019

with a request to accept the lay out proposal in Survey No. 158/P only removing Survey No. 157/P of Tooprakhurd Village.

In the light of the above-stated averments in the counter-affidavit, and in view of the fact that the objections of the petitioner have already been considered, the 1st respondent is at liberty to pass appropriate orders on the Application of the 2nd respondent.

With this order, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

30th April 2019

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