

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.12023 OF 2019

Date:20.06.2019

Between:

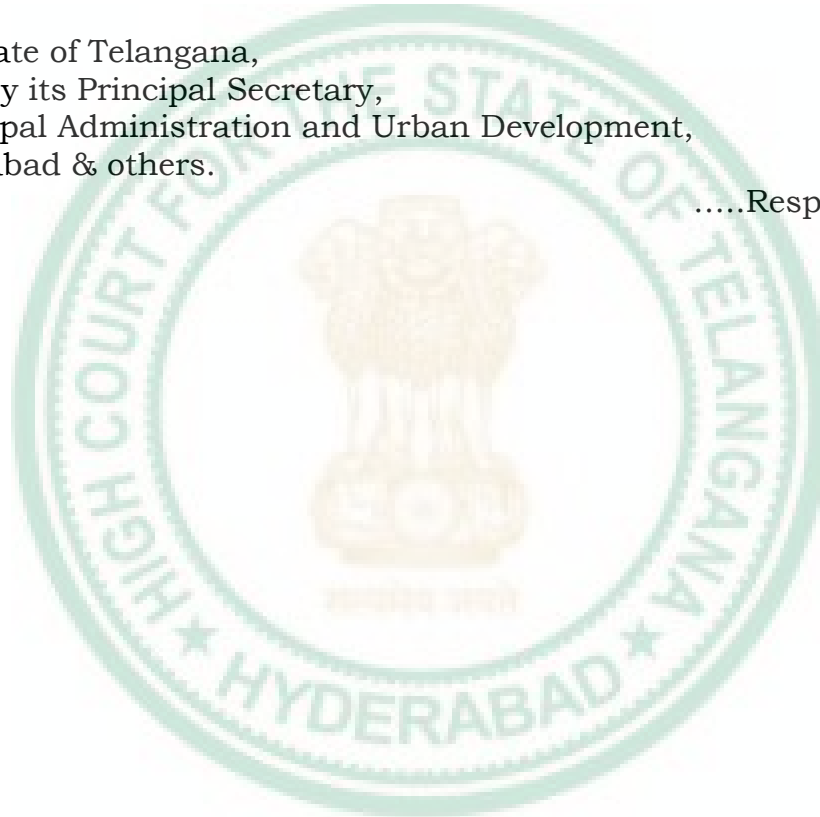
Neelima Greens Independent House
Owner Welfare Association, Pragathi Enclave,
Miyapur, Hyderabad having Reg.No.492/2000
Rep., by its President, P.Sandeep S/o.P.Raghunandan,
Aged 35 yrs, Occu : Pvt. Employee,
R/o.Plot No.#33, Neelima Greens,
Miyapur, Hyderabad-49.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration and Urban Development,
Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.12023 OF 2019****ORDER:**

Heard learned counsel for petitioner and Sri Sampath Prabhakar Reddy, learned Standing counsel for respondents 2 to 4.

2. Petitioner is the Welfare Association of Neelima Greens Independent House residential Gated Community. This writ petition is filed praying to declare the action of respondents 2 to 4 from laying drainage pipeline connecting to the existing STP of the petitioner, digging under the compound wall of the park and roads without any notice as illegal, arbitrary and against the principles of natural justice.

3. Earlier petitioner filed W.P.No.34116 of 2018 challenging the letter of the Executive Engineer, Division No.21, Chandanagar, GHMC Circle, dated 06.09.2018 addressed to the President of Petitioner-Association.

4. This Court by order dated 25.09.2018 directed the respondents therein to carry on the work without touching the park area.

5. It appears, in terms thereof, the work is being carried out. Petitioner now primarily alleges that without following the due process and without informing the petitioner-Association, the work is being carried out and therefore, the same is illegal.

6. Letter dated 06.09.2018 would disclose that there was correspondence between GHMC and the petitioner-Association; that they examined the feasibility of diverting the construction of drain and Sewerage disposal and as it was not possible because of low lying area where the property of petitioner-Association is

situated and that there are no separate drains for rain water and holding that it is resulting in rain water and sewerage water of other residential areas coming into petitioner's property and getting stagnated in the park, they wanted to connect storm water and treated sewerage water of other properties to the existing storm water drain at STP of Neelima Greens.

7. Petitioner sought to contend that by virtue of this decision, the STP on petitioner's property is being affected as there will be excess load of drain water flowing into STP more than the capacity for which it was constructed and it may result in hardship to the petitioner-Association.

8. What is contended may be true, but the same has to be agitated in the pending writ petition. However, this Court permitted the authorities to carry on the work as proposed by them in the letter impugned in the said writ petition. Therefore, in a separate writ petition on the issue of how activity is undertaken by the respondent in pursuant to the interim orders of this Court in the pending writ petition cannot be gone into. Hence, the writ petition is liable to be dismissed.

9. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to take appropriate steps in W.P.No.34116 of 2018 against the manner in which construction activity is undertaken by the respondents. Pending miscellaneous petitions shall stand closed.

P.NAVEEN RAO,J

20th June, 2019
Rds