

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.13050 OF 2019

Date: 28.06.2019

Between:

Kowkutla Narender Reddy, s/o. late K.Ram Reddy,
Occu:Business, r/o.Plot No.38, Tirumala Enclave,
Old Alwal, Secunderabad and another.

.....Petitioners

and

The State of Telangana, rep.by its Prl.Secretary
Municipal Administration & Urban Development
Department, rep.by its Secretary, Secretariat,
Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioners claims that out of total extent Ac.14.00 guntas of land in Sy.No.600 of Deveryamjal village, Shameerpet mandal, Ac.4.15 guntas of land belongs to the petitioners in Sy.Nos.600/A/2, A/3 & A/4. Petitioners contend that the adjacent owner of the land (5th respondent) obtained permission from the Hyderabad Metropolitan Development Authority (HMDA) to form a layout and in the guise of obtaining permission, he is encroaching into the land of petitioners to an extent of Ac.1.00 guntas and the same is illegal. When it came to the notice of petitioners that unofficial respondents are encroaching into their lands, they submitted representation to the Commissioner on 30.05.2019 alleging that there is illegal encroachment and preparing the layout on the land belonging to them, and appropriate action should be taken. Alleging inaction on the representation/complaint submitted by the petitioners, this Writ Petition is filed.

2. It is not in dispute that respondent-HMDA granted layout permission based on the application made by the applicants. On the allegation that after obtaining permission to prepare layout, the unofficial respondents encroaching into the land of petitioners and including the land of petitioners in the formation of layout, the HMDA cannot be asked to go into the dispute. Learned counsel for petitioners sought to contend that Section 20 of the Hyderabad Metropolitan Development Authority Act, 2008 (Act, 2008), requires the authority to examine all aspects before permission is granted. Section 22 of the Act, 2008 enables the authority to revoke the permission whenever it is found that it was obtained by making false

statement/misrepresentation/suppression of any material fact or rule.

3. Section 20 of the Act, 2008 envisages consideration of application to grant a layout, after making enquiry as necessary to consider in relation to any matter concerning Metropolitan Development and Investment Plan and regulations or area development plan or notified under the development schemes and to issue order. It is not in dispute that 5th respondent claims to own more than Ac.5.00 guntas of land. It appears, layout permission was obtained based on the documents produced to the extent of land claimed to have been owned by the unofficial respondents. The possession and enjoyment of the subject land between the respective parties is a disputed question. Whether unofficial respondents have encroached into the land of petitioners in the guise of layout permission is a disputed question of fact, and cannot be gone into by the HMDA. On due assessment of the provisions in Section 22 of the Act, it is not attracted to the case on hand. Thus, merely because representation is made and is pending, Court need not direct the respondent-HMDA to consider the representation when the parameters to invoke power under Section 22 of the Act are not attracted. Thus, leaving it open to petitioners to work out their remedies on the allegation of encroachment of their land by the unofficial respondents, Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 28.06.2019
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HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.13050 OF 2019

Date: 18.06.2019

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