

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 13233 of 2019

Date :2.7.2019

Between:

Vangur Rameshwaramma W/o V Sanjeeva Reddy
aged about 65 years Occ Household R/o H No 745/6/300
Venkateshwara Colony Mahabubnagar

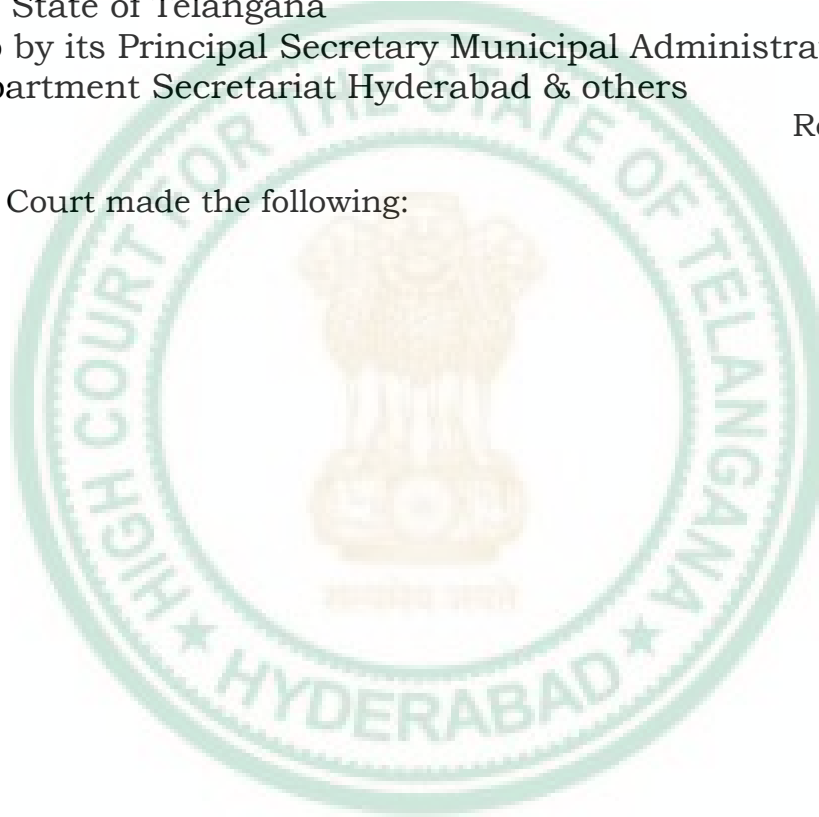
Petitioner

And

The State of Telangana
Rep by its Principal Secretary Municipal Administration
Department Secretariat Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners, learned Government Pleader for Municipalities for respondents 1 and 3 and Sri N Praveen Kumar, learned counsel for second respondent.

2. According to learned counsel for petitioners, 5th respondent got the lay out approved from 2nd respondent vide L.P. No. 148 and 220/2017/HRO/H1 comprising of 96 plots and the entire lay out was covered by a compound wall. Based on the declarations given by 5th respondent in the broacher petitioners purchased plot No.8 admeasuring 222.22 sq yards vide registered sale document dated 22.11.2017 and Plot No. 20 admeasuring 183.33 sq yards vide registered sale deed dated 27.7.2018 respectively and petitioners propose to construct their residential houses. Petitioners now allege that though the entire extent of land of the lay out is covered by Survey No. 205/A, 5th respondent encroached into the land in Survey No. 202/AA deviating from the original approved lay out and made illegal constructions towards eastern side extending into the lay out covered by Survey No. 202/AA. According to petitioners, no permission was obtained by 5th respondent for the purpose of inclusion of the land covered by Survey No. 202/AA. Petitioners therefore allege violation of conditions of lay out permission granted.

3. Except making allegations about the encroachment of 5th respondent into adjacent land which is not forming part of the original sanctioned lay out, no material is placed on record to show such

encroachment and as to how petitioners are affected by such alleged encroachment. In the representation stated to have been submitted on 24.5.2019, petitioners allege the encroachment into adjacent land and outsiders harming the residents physically and causing lot of inconvenience, therefore requested to take action against such persons who have encroached into the land. Deviating from these grievances, further allegations are made in the affidavit. However, in substance, the allegation is encroachment into some other land by person who has obtained the lay out and sold the plots. If that is so, petitioners have to workout the remedies as available to them in law.

4. If petitioners can substantiate before the competent authority that there is deviation to the lay out as already sanctioned and changes are effected without following due process to the sanctioned lay out, petitioners shall place before the competent authority relevant material in support of their claim and as and when such material is placed before the competent authority, it is for the competent authority to examine the matter and if necessary by conducting field enquiry to take further course of action as warranted by law.

5. Subject to above observation, the writ petition is disposed of. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 2-7-2019
TVK

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