

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.14079 OF 2019

O R D E R

Petitioner No.1 is the Central Government Employees Residents Welfare Association and it is represented by its President T.Chandra Sekhar Rao. As per the averments made in the affidavit filed in support of the writ petition, it could be seen that Central Government has constructed General Pool Residential Accommodation (GPRA), at Gachibowli, Hyderabad for its employees working in and around Hyderabad during the year 1968 or so. Though a Kendriya Vidyalaya is located in the GPRA campus, there was no Pre-Primary School. Therefore, the GPRA residents have formed an association called "Central Government General Pool Residential Welfare Association" with the objective of providing educational facilities by opening and maintaining a Nursery School. The 2nd respondent – Government of India, Ministry of Urban Development, represented by Director of Estates, vide proceeding dated 31.03.2000, conveyed the approval of the competent authority for placement of 02 number of type-V quarters at the disposal of the 1st petitioner, on payment of token rent of Re.1/- and subsequently, the Chief Engineer, Southern Zone-II, CPWD, Hyderabad, has allotted a portion of the Barracks where earlier the Central School was located in GPRA campus, to the 1st petitioner and ever since, the 1st petitioner is running the school. Now vide the impugned notice dated 5.2.2019, the 4th respondent – Central Public Works Department, represented by its Executive Engineer cum Estates Officer, Hyderabad Central Division, directed the petitioner No.1, to vacate the premises, and on 12.04.2019, the said respondent locked the premises. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioners submit that the 1st petitioner is running the school for the last twenty years and the 4th respondent, without any jurisdiction, issued the impugned notice and further without giving any opportunity

to the petitioner, locked the premises of the school and this amounts to violation of principles of natural justice.

Counter affidavit is filed on behalf of the 4th respondent, and while denying the writ averments, objection is raised with regard to the *locus standi* of the President of the 1st petitioner – association in filing the writ petition. It is stated that the petitioner – Association is registered as ‘Central Government General Pool Residents Welfare Association’, but school is being run by Central Government Employees Residents Welfare Association and it is an unregistered association and hence cannot maintain a writ petition. It is stated that earlier notices were issued to Secretary of petitioner – Association, and Mr. T.Chandra Sekhar, who claims to be elected president of the said Association, has not filed any document showing that he was authorized to file the present writ petition, therefore, he has no *locus standi* to file the writ petition.

From the averments made in the affidavit filed in support of the writ petition it could be seen that the Central Government Employees Residents Welfare Association, is not a registered association. The petitioner No.1 claims to be its elected president. As contended in the counter affidavit, no document is filed showing that the Association has authorized its President to file the writ petition. Hence, the objection of the 4th respondent in this regard, is sustained, and on this ground alone, the writ petition is liable to be dismissed.

If the petitioner – Association intends to agitate the issue, it is open for them to do the same, in accordance with law.

With the above observation, writ petition is dismissed.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:14—08—2019
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