

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 14907 OF 2019

ORDER:

The Writ Petition is filed to declare the action of Respondents 2 and 3 in issuing the layout permission dated 01.05.2019, over an extent of 100003.4 square meters equivalent to Acs.24.71 guntas in Survey Nos. 173/P, 174/P, 175/P, 179/P, 213/P, situated at Keesara Dayara Village, Keesara Mandal, Medchal Malkajgiri District, in favour of the 4th respondent and others, as illegal and arbitrary.

The petitioners assert that they had acquired the land in an extent of Acs.8.39 ½ guntas through a registered sale deed dated 05.03.2003, in the survey numbers stated supra. While so, the 4th respondent had obtained a lay out permission on 01.05.2019 over an extent of Acs.24.79 guntas. Inasmuch as the petitioners have right over the said property on account of the fact that they purchased the land through registered sale deed from the persons, who hold Certificate of Ownership under Section 38-E of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 and that there is no sub-division in the land among the other members of the family who were entitled for issuance of certificate under Section 38-E, granting of lay out permission by Respondents 2 and 3 in favour of the 4th respondent is illegal, contend the petitioners. It is their case that bringing these aspects to the notice of Respondents 2 and 3, the representation / objections dated 04.07.2019 was submitted.

Learned counsel for the petitioners submits that the Writ Petition may be disposed of with a direction to Respondents 2 and

3 to consider the said representation and pass appropriate orders thereon.

Learned Standing Counsel for Hyderabad Metropolitan Development Authority as well as learned counsel for the 4th respondent express no objection for the same.

Hence, without going into the merits of the matter, the Writ Petition is disposed of directing Respondents 2 and 3 to consider the representation / objections submitted by the petitioners on 04.07.2019, and pass appropriate orders thereon, duly following the procedure prescribed in law. No costs.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

14th August 2019

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