

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.17076 OF 2019

Date:09.08.2019

Between:

P.Venkateshwar Rao,
S/o.P. Janga Rao, Age : 57 yrs,
Occu : Sarpanch of Kotra Village,
Veldanda Mandal, Nagarkurnool District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Municipal Administration Department,
Secretariat Buildings, Hyderabad, T.S.

.....Respondents



The Court made the following:

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ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Municipal Administration for respondents 1, 3, learned Government for Panchayat Raj for respondents 2, 4, 6, learned Government Pleader for Revenue for respondents 5, 7 and Sri N. Praveen Kumar, learned Standing counsel for respondent No.8.

2. Petitioner claims to be the Surpanch of Kotra Gram Panchayat in Nagarkurnool District. By Act No.4 of 2018, the Greater Hyderabad Municipal Corporation Act, 1955, The Telangana Municipalities Act, 1965 and the Telangana Municipal Corporation Act, 1994 were amended. As per these amendments, the Kotra thanda which was either to part of Kotra Gram Panchayat is now included in Kalwakurthy Municipality. Petitioner has no grievance on such inclusion. Petitioner now alleges that after the inclusion of Kotra thanda, the Commissioner, Kalwakurthy Municipality is proposing to include other revenue lands which are not forming part of Kotra thanda and which come within limits of the Kotra Gram Panchayat.

3. In paragraph No.3 of the affidavit, petitioner contends that there is proposal to include other revenue lands. He therefore, seeks a declaration of the action of the respondents 1 to 7 in interfering with the activities of the Gram Panchayat and trying to include the lands of Kotra Gram Panchayat into 8th respondent-Municipality and also seeks a direction to consider his representations dated 09.07.2019 and 11.07.2019.

4. As seen from the averments in the affidavit filed in support of the writ petition, petitioner also apprehends of inclusion of some more areas within the Kalwakurthy Municipality though as of now, not included. The jurisdiction of Kalwakurthy Municipality is not expanded. Petitioner tries to support his apprehension by referring to correspondence of the Commissioner, Kalwakurthy Municipality to the Director of Town & Country Planning dated 20.07.2019 with reference to sanction of lay out on an application made by one P.Srinivas Reddy, to sanction lay out on land in Sy.No.424/P, 435/P of Kalwakurthy Village. It is not stated in the affidavit as to how the letter of Commissioner, Kalwakurthy Municipality regarding sanction of lay out relates the petitioner's concern on widening the scope of Municipality. Further, the Municipalities Act prescribes detailed procedure for inclusion of an area in the Municipality or exclusion thereof and it appears so far no steps are taken. The representations also do not highlight the basis of such apprehension. Therefore, what is highlighted in the representations and the affidavit filed in support of the writ petition is more of speculation and in anticipation of a proposed action, even before the action is set in motion. Therefore, the writ petition has no merit.

5. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

9th August, 2019
Rds

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Dated:09.08.2019

Rds