

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 19237 of 2019

ORDER :

The limited grievance of the petitioner is that his complaint dated 29.06.2019 against the unauthorised constructions being made in Survey Nos. 3, 4 and 5 (old Survey No. 5) situated at Sultan Bagh Village, Bahadurpura Mandal, Hyderabad by various individuals without obtaining any permission is not acted upon by the respondents. He asserts that on earlier occasion, W.P.(PIL) No. 275 of 2018 was filed *“to declare the action of the Respondents 1 to 6 therein in not protecting the government land in Survey Nos. 3, 4 and 5 (old Survey No.5) admeasuring Acs.8.11 guntas situated at Sultanbagh Village, Bahadurpura Mandal, Hyderabad and further allowing the respondent Nos.7 to 10 in making illegal constructions in the government land as highly arbitrary and illegal and further prayed this Hon’ble Court direct the respondents 1 to 6 to build double bed rooms in the said government land and give pattas to needy poor people”*, and the same is pending.

Heard learned counsel for the petitioner as well as learned Government Pleader for Municipalities and Sri Pasham Krishna Reddy, learned Standing Counsel for the respondent Corporation.

It may be noted, at the outset, that the petitioner had not stated who are in unauthorised occupation of the land in Survey Numbers stated supra and in whose favour title in the said land vests. The details of the individuals, who are allegedly making constructions without obtaining permission, were not obtained by the petitioner by approaching the authorities concerned. When queried, the learned counsel for the petitioner submits that the

respondent Corporation may be directed to verify the same as his client had made the averments in the affidavit on oath.

Having considered the submission of the learned counsel for the petitioner, it is to be noted that in each and every case where the party makes statements on facts unverified, this Court cannot direct the respondent authorities to respond. It is the primary duty of the party, who approaches this Court, to submit the necessary material and make out a *prima facie* case warranting interference under Article 226 of the Constitution of India. Merely because the petitioner had filed an affidavit does not require this Court to order notice to the respondents and ascertain facts from them. It may also be noted here that the required information can be obtained by the petitioner from the authorities concerned under the provisions of the Right to Information Act.

In those circumstances, this Court is not inclined to entertain the Writ Petition, at this stage, however, leaving it open to the petitioner to approach the authorities, obtain the information and place before the Court in the PIL which is already stated to be pending, the Writ Petition closed. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

11th September 2019

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