

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

W.A. No. 695 of 2019

Date: 30.08.2019

Between:

Karri Chandra Sekhar Reddy and others

... Appellants

and

Nakkala Kishore Yadav, and two others.

... Respondents

Counsel for the appellants:

Mr. V. RAMCHANDER GOUD

Counsel for the respondent No.3:

**Mr. K.R. KOTESWERA RAO,
SC for CANTONMENT**

The Court made the following:

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghendra Singh Chauhan)*

The appellants are aggrieved by the order dated 25.07.2019, passed by a learned Single Judge of this Court in W.P.No.12134 of 2019, whereby the learned Single Judge has directed the Secunderabad Cantonment Board, the respondent No.3 herein, to consider the application of the petitioners therein for grant of permission for construction of compound wall and to take action.

Briefly the facts of the case are that the appellants are residents of Balamrai, Secunderabad. The respondent Nos.1 and 2 herein, the petitioners ('the petitioners', for short) in W.P. No. 12134 of 2019, claim to be the owners of the land admeasuring 586 square yards, by virtue of registered sale deed Nos. 1402 and 1403 of 2006, dated 12.07.2006. The grievance of the appellants is that the petitioners are trying to encroach upon the Government road/lane upto 12 feet, and its open space around 100 square yards. Thereby, the petitioners are obstructing the use of the lane by the public at large.

Earlier to the present *lis*, the neighbouring residents, including some of the appellants herein, had filed a writ petition before this Court, namely W.P.No.33723 of 2018 with a prayer to direct the official respondents to take steps to protect the Government road/land and its open space, from the illegal encroachment of the writ petitioners herein. By provisional order dated 24.09.2018, in I.A.No.1 of 2018 in

W.P.No.33723 of 2018, a learned Single Judge of this Court had directed the Secunderabad Cantonment Board to consider the objections of the residents before considering the application filed by the petitioners herein for grant of permission for construction of compound wall. In pursuance of the said orders, the Secunderabad Cantonment Board had considered all the objections raised by the residents, and by order dated 08.05.2019, dismissed their objections.

Challenging the legality of the orders of the Secunderabad Cantonment Board, dated 08.05.2019, the appellants had filed another writ petition, namely W.P.No.12619 of 2019. Considering the nature of the relief sought for in the subsequent writ petition, i.e. W.P. No. 12619 of 2019, by order dated 08.07.2019, the learned Single Judge of this Court dismissed the earlier writ petition i.e. W.P. No. 33723 of 2018 holding that the cause in the writ petition does not survive for adjudication in view of challenge made in W.P. No. 12619 of 2019. Subsequently, by order dated 25.07.2019, the learned Single Judge has also dismissed the subsequent writ petition i.e. W.P. No. 12619 of 2019 *inter alia* on the ground that there are too many complicated disputed questions of fact which cannot be gone into by the writ Court. Aggrieved thereby, the appellants have filed W.A.No.709 of 2019 and the same was dismissed by this Court today by a separate judgment.

Coming to the facts of the present case, the petitioners have filed the present writ petition challenging the inaction of the Secunderabad Cantonment Board in passing orders on their application dated 14.07.2017 for grant of permission to construct a compound wall. According to the petitioners, in the light of the order 08.05.2019, the Secunderabad Cantonment Board ought to have granted permission to them for construction of the compound wall. However, the Secunderabad Cantonment Board has raised an objection *vide* letter dated 03.06.2019 stating that there were some deficiencies in the application filed by them. Though the petitioners have given their reply to the said letter, the Secunderabad Cantonment Board has not passed any orders on the same.

As mentioned hereinabove, by the impugned order, the learned Single Judge has left it open to the petitioners to comply with the deficiencies pointed out by the Secunderabad Cantonment Board, and has directed the Secunderabad Cantonment Board to consider their application for grant of permission for construction of compound wall and to take action.

Heard the learned counsel for the parties and perused the record.

A bare perusal of the facts stated above would clearly reveal that the objections raised by the appellants were already considered by the Secunderabad Cantonment Board,

and by order dated 08.05.2019, they were dismissed. Moreover, the directions issued by the learned Single Judge are innocuous in nature. For, the learned Single Judge has left it open to the petitioners to comply with the deficiencies pointed out by the Secunderabad Cantonment Board and has directed the Secunderabad Cantonment Board to consider their application. Hence, presently, the matter is *sub judice* before the Secunderabad Cantonment Board. Therefore, the appellants possibly cannot be aggrieved by the directions issued by the learned Single Judge. In case the appellants are eventually aggrieved by any order passed by the Secunderabad Cantonment Board in favour of the petitioners, they have sufficient legal remedies to challenge the same.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. This writ appeal, being devoid of any merit, is hereby dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 30.08.2019
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