

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 23047 of 2019

Date : 24.10.2019

Between:

Gonuru Nagaraj S/o G Rathnaiah aged 40 years Occ
Business R/o Fat No 202 Sai Ratna Towers Matrusri Nagar
Miyapur Hyderabad State of Telangana 500 049

Petitioner

And

State of Telangana
Rep by its Principal Secretary Department of Revenue
Secretariat Building Saifabad Hyderabad & others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Revenue.

2. Petitioner claims to be owner of plot No.49 admeasuring 266.66 sq yards in Survey No. 224, Block No.1, Madinaguda village, Serilingampally mandal, Ranga Reddy district. He obtained building permission to construct stilt plus three floors from GHMC on 17.6.2019 and has already laid slabs and internal brick work is going on. While so, without prior notice or intimation, revenue authorities alleged to have demolished the brick walls, causing lot of hardship.

3. According to learned counsel for petitioner, it is a private property and revenue authorities have no manner of authority to encroach into the same and cause damage.

4. According to learned Government Pleader, the land in Survey No. 69/1 is a Government land which is abutting to survey no.224 and there have been encroachments into the Government land and having noticed that petitioner encroached into the Government land, action was taken. However, learned Government Pleader fairly admits that no prior notice or opportunity was given. Further, from the photographs filed by the petitioners, it appears that already slabs were laid for five floors and brick work was going on in the building, therefore, it cannot be said that petitioner is now trying to encroach into the Government land.

5. If the Government is of the view that there is encroachment, due procedure as contemplated under the law ought to have been followed.

6. Learned counsel for petitioner and learned Government Pleader agreed for disposal of the writ petition with direction to conduct survey in presence of petitioner. In order to resolve the issue, it may be a better course for both the parties.

7. Thus, second respondent-Tahsildar is directed to immediately take steps to conduct survey by issuing advance notice to petitioner and conduct survey in his presence. This exercise should be completed within two weeks from the date of receipt of copy of this order and if the survey discloses that land occupied by petitioner is not Government land, there shall not be any obstruction for undertaking construction. If it is found that petitioner has encroached into the Government land, appropriate legal steps to be taken. Till survey is completed and report is made available to petitioner, petitioner shall not undertake any further construction.

8. It is also noticed that petitioner is undertaking construction of additional floors, whereas building permission is only for construction of stilt plus three upper floors. That being so, petitioner may have to take remedial steps to bring construction strictly in accordance with building permission and GHMC shall take appropriate steps to ensure that petitioner confines construction strictly in accordance with the building permission granted to the petitioner.

9. Subject to above directions, writ petition is disposed of. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 24-10-2019
TVK

Note: Registry to mark copy of this order
to the Commissioner, GHMC,
Hyderabad.

B/o TVK

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