

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24720 of 2019

Date : 12.11.2019

Between:

M/s Lakshmi Srinivasa Constructions
Represented by its Managing Partner Aged about 41 years
Occ Business Smt G Vijaya Lakshmi W/o G Srinivasa Rao
R/o Plot NO 93 Balaji Nagar Nizampet Road Kukatpally
Hyderabad90

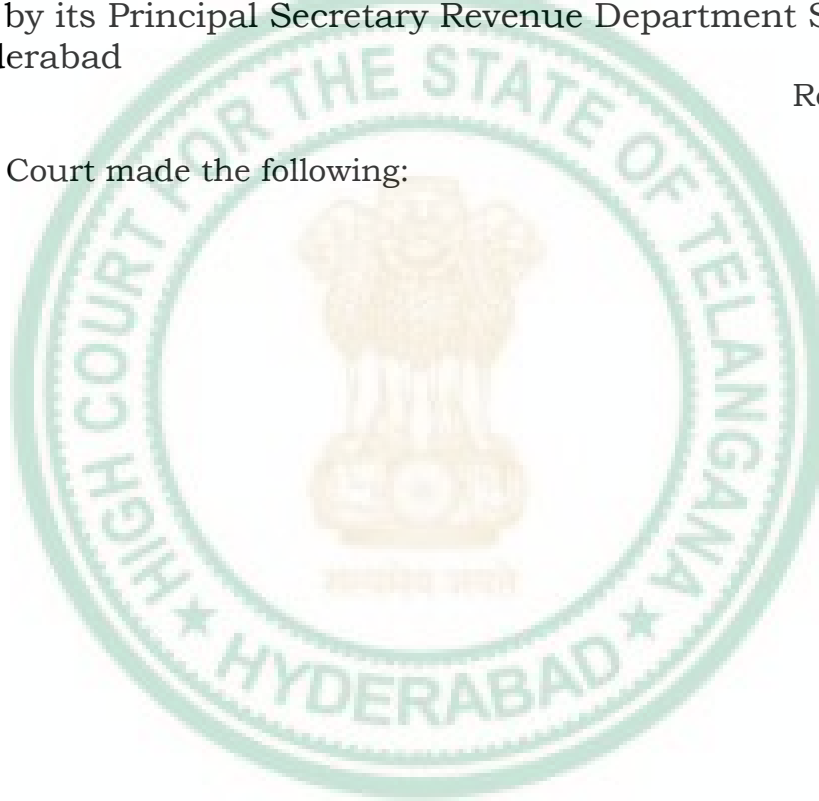
Petitioner

And

The State of Telangana and 3 others
rep by its Principal Secretary Revenue Department Secretariat
Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue and with their consent the writ petition is taken up for disposal at the stage of admission itself.

2. Petitioner firm, represented by its Managing Partner G.Vijaya Lakshmi entered into development agreement for construction of residential villas in survey No. 2250 and 225/A, Bachupally village, Malkajgiri division, which are patta lands belonging to K.Indiramma W/o K Mutyam Reddy and K Bhujender Reddy S/o K Ramachandra Reddy. Notice under section 23 of the A.P. Water and Land and Trees Act, 2002 and AP (TA) Irrigation Act, 1357 Fasli dated 30.10.2019 alleging that under the guise of development agreement in above two survey numbers, Smt G Vijaya Laxmi encroached into Sikam lands in Survey No. 248 to an extent of Ac.0.9 guntas forming part of water body viz., Bandam Kunta. The builder Smt G Vijaya laxmi was directed not to undertake construction activity and remove material from the water body area covered by Survey No. 248 to an extent of Ac.0.9 guntas within 7 days. The petitioner firm herein represented by its Managing Partner G.Vijaya Laxmi submitted explanation dated 2.11.2019, however, even before a decision is made by the competent authority on the explanation offered by the petitioner, this writ petition is filed.

3. Learned counsel for petitioner firm contends that G Vijaya Laxmi is not the developer but she is Managing Partner of developer i.e., M/s. Lakshmi Srinivasa Constructions petitioner herein, therefore, notice was addressed to a wrong person and same is not maintainable. He further submits that based on the said notice, no

coercive action can be taken against the petitioner firm and owners of villas who have purchased the villas and living therein.

4. It is not in dispute that G Vijaya Laxmi is Managing partner of petitioner firm and notice was issued to her asking to submit explanation. Though, explanation was submitted on behalf of petitioner firm, it was signed by G Vijaya Laxmi. Further more, even assuming that notice was addressed to a wrong person, petitioner firm is aware of the notice issued and responded to the said notice, therefore, at this stage, Court is not inclined to entertain the writ petition on this ground alone. Further more, merely because notice is not addressed to the petitioner, no prejudice is caused as petitioner has sufficient opportunity to submit its explanation and in fact, explanation was already submitted. Whether there was encroachment of Sikam land of Bandam Kunta and construction already made or being made are matters for consideration by the competent authority and it is always open to the petitioner firm to raise pleas as available to it in law. Therefore, at this stage, Court is not inclined to go into the merits of the allegations made in the notice impugned in this writ petition.

5. Accordingly, writ petition dismissed leaving it open to the petitioner to workout remedies with reference to the allegations alleged in the impugned notice. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 12-11-2019
TVK

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