

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28936 OF 2019

Date:31.12.2019

Between:

Sri K. Sanjeeva Reddy, S/o Late Sri K. Janga
Reddy, Aged about 55 years, Occ: Business,
R/o. H.No.1-7, Nagireddyguda Village, Moinabad
Mandal, Ranga Reddy District and others .. Petitioners

And

The State of Telangana, rep., by its
Principal Secretary, Municipal Administration
And Urban Development Department,
Secretariat Building, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.28936 OF 2019****ORDER:**

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for respondent No.1, Smt. D. Madhavi, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA) for respondent No.2, learned Government Pleader for Revenue for respondents 3 and 6, learned Government Pleader for Panchayat Raj for respondent No.4 and learned Government Pleader for Home for respondent No.7.

2. Petitioners claim to be the absolute owners and in peaceful possession of agricultural land to an extent of Acs.12.29 guntas in Survey Nos.251 and 252 of Murthuzaguda Village, Moinabad Mandal, Ranga Reddy District, having purchased the same through registered sale deeds dated 29.01.2018, 08.03.2018 and 27.03.2018. Petitioners contend that by the time of said purchase, there was already compound wall constructed covering the entire extent of land and a road was formed connecting the above property. While so, respondents 2 and 4 i.e., HMDA and the District Panchayat Officer, without following the due procedure and without giving prior notice, attempted to demolish the existing structure and compound wall.

3. Learned standing counsel representing Murthuzaguda Gram Panchayat informs that the Gram Panchayat is not interfering with the possession and enjoyment of the petitioners over the subject property, but however it appears, petitioners are undertaking development activity for preparation of a layout and formation of

house plots, whereas this village comes within the purview of G.O.Ms.No.111, dated 08.03.1996 and no development activity for real estate purpose can be undertaken within the areas covered by the said G.O. He further submits that having come to know that illegally a road was formed, efforts were made to remove the same and, at that stage, petitioners objected and therefore appropriate steps would be taken in accordance with law to remove all illegal constructions made. He further submits that the dates mentioned in paragraph No.4 of the affidavit filed in support of the writ petition are Sunday and Saturday and on those days, normally no coercive action would be taken and thus it is a false statement.

4. With reference to the possession, no authority can interfere with the possession and enjoyment of a private property without prior permission. Learned standing counsel sought to contend that development activity is going on inside the property. If what is stated by learned standing counsel is true, it is open to the HMDA and the Panchayat Secretary of Murthuzaguda Village to conduct physical inspection of the subject land in the presence of the petitioners by giving prior notice to them and photographs be taken, if necessary, by a neutral person and in his presence proceedings be conducted and if any development activity is noticed without prior permission, appropriate steps be taken to remove the same. Without prior permission, the petitioners shall not undertake any development activity on the subject property. Further, the respondent authorities shall not interfere with the possession and enjoyment of the petitioners over subject property.

5. Subject to above, the Writ Petition is disposed of. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

P.NAVEEN RAO, J

Date:31.12.2019

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