

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

I.A.No.3 of 2018 and I.A.No.1 of 2019

in/and

W.P. NO.37145 OF 2018

AND

C.C. NO.3106 OF 2018

COMMON ORDER :

The 1st petitioner society is a Society registered under the Telangana Societies Registration Act, 2001 and consists of 30 persons who own plots in Sy. Nos.143, 146 and 150 of Ameenpur village and Mandal (earlier Patancheru Mandal) through registered sale deeds. They had purchased plots in a layout initially approved by the then Grampanchayat and subsequently the said layout/plots therein were regularized by the Hyderabad Metropolitan Development Authority (8th respondent) under the A.P. Regulation of Unapproved and Illegal Layout Rules, 2007 on collection of requisite charges . According to the petitioners, in the vicinity of their plots, the entire area has only residential activity and no agricultural activity.

2. The 2nd petitioner is a member of the 1st petitioner society and is also owner of a plot in the above layout.
3. The 1st respondent is the Principal Secretary of the Irrigation and CAD department and respondents 2-4 are officers of the said department. The 5th respondent is the District Collector of Sanga Reddy District and

respondents 6 and 7 are Officers of the said department. The 8th respondent is the Hyderabad Metropolitan Development Authority.

The contentions of the petitioners:

4. Petitioners contend that as per the layout and the approved maps of the 8th respondent, there is a road in Sy. No.149 of Ameenpur village which provides passage to the plots of the members of the society.

5. There is a tank called Ameenpur Tank (Pedda cheruvu) notified in Sy. No.231 of the Ameenpur village and Mandal as per records of Revenue and Irrigation Departments. Petitioners contend that the total tank water spread at Full Tank Level (FTL) is only Ac.93.15 gts; and that there are no agricultural operations carried out near or under the Ameenpur Tank.

6. Petitioners contend that without any basis, the Irrigation and Revenue Department officials started claiming that the plots belonging to members of the 1st petitioner society are in the Full Tank Level (for short 'FTL') of the Ameenpur Tank; that one S.S. Ramakrishna, representing R.K. Builders and Developers who developed the said layout, had made an application on 08.12.2009 to the Tahsildar, Patancheru Mandal for issuance of a certificate of non-coverage of FTL and water body levels in Sy. No.143 and 146 of Ameenpur village stating that he purchased land through registered sale deeds No.12051, 12052 and 12053 of 2006; that a letter No.B/10997/2009 dt.22.12.2009 was addressed by the Tahsildar, Patancheru Mandal to the Deputy Executive Engineer, Irrigation Department, Sangareddy to conduct a survey of Pedda Cheruvu in

Ameenpur village and fix up the FTL boundaries; joint inspection was done by the Assistant Executive Engineer, Irrigation & CAD Department, IB Section for fixation of FTL of Ameenpur Tank in respect of Sy. No.143 and 146 of the Ameenpur village; the FTL was fixed and a FTL Phodi location sketch was prepared as per letter No.B/10997/09 dt.09-03-2010 according to which only an extent of Ac.1.18 gts was effected by the FTL area in Sy. No.143 and 146 of Ameenpur village. The copy of the said sketch was also furnished to the applicant.

7. Petitioners alleged that their lands are far away from the water body as per the said FTL location sketch, but officials working under the respondents damaged the existing road in Sy. No.149 without any notice preventing the petitioners from having access to the plots owned by its members. They contended that inspite of several representations given by members of the petitioner society such as representation dt.01.10.2018 and 04.10.2018, the road is not being restored by the respondents.

8. It is their further contention that a drain system available in the Ameenpur Tank stood damaged by some real estate dealers down stream, but the Irrigation Department officials did not do anything to make the drain system of the tank functional because of which there is overflow from the Ameenpur Tank also.

9. Therefore they filed the Writ Petition seeking a Writ of Mandamus to declare the action of the respondents in not restoring the drain facility and obstructing enjoyment of plots by members of the 1st petitioner society in Sy. Nos.143, 146 and 150 of Ameenpur village and

Mandal, Sanga Reddy District as arbitrary and violative of Article 14, 21 and 300-A of the Constitution of India and to direct the respondents to remove the material blocking the outlet drains and also not to interfere with the plots of the members of the 1st petitioner society or the approach road to their plots.

I.A. No.1 & 2 of 2018

10. The petitioners filed I.A. No.1 of 2018 in the Writ Petition to direct the respondents to restore the drain system to facilitate flow of water down stream of Ameenpur Tank (Pedda Cheruvu) at Ameenpur village and Mandal, Sanga Reddy District pending disposal of the Writ Petition.

11. Petitioners also filed I.A. No.2 of 2018 in the Writ Petition to permit them to undertake repairs to the existing road in Sy. No.149 of Ameenpur village and Mandal pending disposal of the Writ Petition.

Events after filing of the W.P

12. On 12.10.2018, the Writ Petition was admitted.

13. Government Pleader for Irrigation took notice for respondents 1 to 4 and Government Pleader for Revenue took notice for respondents 5 to 7. Notice sent to 8th respondent was served and in fact Sri Y. Rama Rao, Counsel for 8th respondent also appeared at the time of admission of the Writ Petition. But the 8th respondent did not file any counter affidavit in the Writ Petition.

14. On 12.10.2018, this Court ordered notice in the I.A. No.1 of 2018, and granted interim direction in I.A. No.2 of 2018 permitting the

petitioners to undertake repairs to the existing road in Sy. No.149 of Ameenpur village and Mandal.

IA No.3 of 2018 and 1 of 2019 filed by respondents to vacate the interim order in I.A.No.2 of 2018

15. I.A. No.3 of 2018 is filed by respondents 5 to 7 to vacate the said interim order.

16. I. A. No.1 of 2019 is filed by respondents 1 to 4 also to vacate the said interim order.

17. It is the contention of respondents 1 to 7 in the above vacate stay applications that Sy. Nos.143, 146 and 150 of Ameenpur village where the plots of members of the 1st petitioner society are located are completely coming under FTL of the Ameenpur Tank as per a map allegedly prepared jointly by the officials of Revenue, Irrigation Departments and the 8th respondent, HMDA; that Inflows had been illegally obstructed by the petitioners by laying a road in Sy. No.149 in the FTL area which were removed partially by officials of Revenue Department.

18. It is alleged that no NOC was obtained by the petitioners from Irrigation and Revenue Department as per G.O.Ms. No.168, MA&UD (M) Department, dt.07.04.2012 which they were obligated to do in case of sites located adjoining water bodies. It is alleged that the Grampanchayat also did not get any NOC from the Irrigation Department officials and that the regularization proceedings issued by the 8th respondent require to be reviewed.

19. It is also stated that the office of the 4th respondent issued a letter to the 8th respondent to cancel the regularization of layout on the ground that the entire extent of Sy. No.149 comes in the FTL of the Ameenpur Tank; that the map is allegedly notified in the website of 8th respondent and so petitioners cannot make any constructions in the FTL area which would reduced the size of the tank and also obstruct free flow of water.

20. It is contended that the petitioners cannot alter or construct any road on the land in Sy. No.149; that the total water spread area upto the FTL of the Ameenpur Tank is Ac.465.00 gts and not Ac.93.18 gts as is alleged by the petitioners; most of the area on the downstream of the tank is urbanized; and as such minimal quantity of water is required for agricultural purpose in the downstream of tank through sluices; the outlets of Pedda Cheru of Ameenpur village are not closed as contended by the petitioner, and whenever the demand comes from farmers for irrigation, the sluices will be operated to meet the requirement of ayacutdars.

21. According to the respondents, the total settled Ayacut of this tank is about 777 Acres and at present only about 50 Acres is being cultivated by the Ayacutdars. It is further submitted that the excess water during flood flows down through the regular surplus arrangements towards Bandam kommu kunta through natural course and there will not be inundation of lands on upstream of the tank as contended by the petitioner.

22. The respondents contend that the Peddacheruvu tank was having two weirs; one is in the left flank and another is in the right flank and is not in use since long back; presently, the excess water over FTL, is

flowing down through the left flank weir and also through right flank natural by wash of Kotha Cheru towards Bandam kommu tank, and there is no back water effect or any inundation to the upstream lands. It is contended that even during the worst flood discharge during the monsoon season, the water level will not flow over and above the demarcated FTL. As such there will be no drowning of lands above FTL as is contended by petitioners.

23. It is also contended that the FTL map of Pedda cheruvu of Ameenpur village and Mandal was initially prepared by Irrigation Department and uploaded online in public domain by the HMDA. The FTL map is then finalized by the HMDA, Irrigation and Revenue Departments in line with the Guiding Rules and Regulations in force after carrying out thorough survey of the lands and validations. Further, as per the FTL map prepared, the damaged road and compound wall falls in the FTL area. It is contended that demarcation of FTL is done by Revenue & Irrigation Department and the Sy. Nos.231/1 and 231/2 of Ameenpur village falls within FTL area of Pedda Cheruvu, Ameenpur. The Special Government Pleader contended that petitioners did not file any objections to the said map and so it binds them.

24. Further it is stated that the drain system of tank is functioning well and there is no submergence of land above FTL area. The temporary road laid in the Sy. No.149 leading to the plots of petitioners totally comes under FTL of the tank and hence its presence and usage itself is illegal. It is asserted that though the petitioners claim that the plots are apparently

regularized by the HMDA, as per terms and conditions vide Sl. No.14 specified by the HMDA while conveying approval, the approach road is liable for revocation. Moreover, the road is being formed in the FTL area, which is completely illegal and violates of the conditions enunciated in G.O.Ms. No.168, MA&UD (M) Department, dt.07.04.2012.

25. It is contended that as per the provisions of the Telangana Land Revenue Act, after conducting a detailed survey, village nakshas (maps) have been prepared duly mentioning the measurement of old survey numbers, Chalta No., name of holder/joint-holder, and boundary marks relating to footpaths, cartracks, trees, house, wells, nalas. The village naksha depicts that the land in Sy. No.231 is sub-merged area in Full Tank Level of Pedda Cheruvu, and therefore, the allegation that there was an existing mud road is not correct and is made only to make use of the land forming part of FTL for laying of the road with the active connivance of the local realtors, and literally defusing the tank in the guise of renovation/restricting of old road, which never existed in the village naksha.

26. It is contended that an application had been submitted by Human Rights and Consumer Protection Cell on the file of the National Green Tribunal, Chennai, alleging that the respondents herein have not initiated any action for removal of encroachments in FTL of the Tanks of Sangareddy Revenue Division including the subject tanks in the Writ Petition vide Compliant No.156 of 2016, and the same is pending for adjudication. As per the directions of the National Green Tribunal, a joint-

inspection was carried out by the officials of Irrigation & Revenue Departments on 04.04.2017 to 13.04.2017 and as many as 13 tanks including the Pedda Cheruvu and Kotha Cheruvu of Ameenpur lake were identified. As per the Inspection Report, the subject tank's FTL to an extent of Ac.60.03 gts has been encroached and filled up to the ground level with gravel and boulders, thereby, causing obstructions for free-flow of water in FTL and buffer areas. Soon after receipt of the orders, this respondent has addressed a letter to the Dy. Executive Engineer, IB-Sub-Division, Patancheru vide Lr.No.B/1366/2018, dt.23.10.2018, requesting to furnish a detailed report on the subject tank. The office of the Dy. Executive Engineer, IB-Sub-Division, Patancheru, vide Lr. No.DEE/IB/SD/PTC/191, dt.27.10.2018 clarified that as per the Joint Inspection Survey, the alleged existing road as claimed by the petitioner is forming part of FTL of Pedda Cheruvu Tank. From the said report, it clear that the petitioners, in the guise of reconstruction of the road, are making hectic efforts to lay the road from the FTL of tank to improve potential value of the neighbouring lands and after obtaining order, they tried to lay the road by dumping the material to make a claim that there was an existing road.

Reply affidavit of petitioners

27. Petitioners refuted the said contentions and denied firstly that they illegally laid a road in Sy. No.149. They pointed out that the documents filed by the petitioners relating to demarcation of the FTL of Ameenpur Tank i.e., proceedings No.B/10997/2009, dt.09.03.2010 have

not been denied by the respondents nor were even adverted to in the counter-affidavits of the respondents and so these documents are deemed to be admitted by them.

28. They reiterated that these proceedings would themselves show that the entire area in Sy. Nos.143 and 146 of Ameenpur village does not fall in the FTL of the tank. They filed *Memoirs* (old records prepared by the Irrigation Department) relating to the Pedda Cheruvu Tank in Ameenpur village and contended these documents indicated that the water spread at FTL is Ac.93.15 gts only, that these were suppressed by the respondents deliberately to mislead the Court, and the contention of the respondents that the FTL of the tank is Ac.465.00 gts is false.

29. They pointed out that though respondents claimed that FTL was demarcated, they did not state when the FTL map filed along with the I.A. No.3 of 2018 was prepared, what rules were followed for its preparation and what parameters of height of bund, weirs were followed. They contended that the alleged FTL demarcation was done without notice to affected parties and so does not bind them.

30. According to them, the map produced by the HMDA (8th respondent) has no legal validity as it was prepared without notice to any affected person; that G.O.Ms. No.168, dt.07.04.2012 would have no application to the petitioners because their layout was sanctioned by the Grampanchayat long prior to it, that members of petitioner no.1 society purchased plots in 2008 itself, and there was regularization done by 8th respondent of the layout as well as the plots on 14.6.2011 and 22.11.2012.

They contended that as long as the above proceedings of the 8th respondent stand, it is not open to the 8th respondent or other respondents to state contrary thereto, and even the 8th respondent cannot review the said proceedings.

31. Petitioners contend that FTL of a Tank cannot be changed arbitrarily from time to time and the proceedings No.B/10997/09, dt.09.03.2010 of the 7th respondent would bind all the respondents.

32. They also pointed out that the 8th respondent's predecessor, Hyderabad Urban Development Authority, had issued a final layout permission on 17.08.2007 for a layout in Sy. No.198 of Ameenpur village and Grampanchayat, but the said survey number has been shown in the sketch now filed by respondents 5 to 7 as part of the FTL. Petitioners contend that this is sufficient to *prima facie* discredit the map filed by respondents 5 to 7 along with I.A. No.3 of 2018.

33. They also pointed out though the map now filed by respondents 5 to 7 indicates that land in Sy. No.322, 323 and 329 of Ameenpur village fall within the FTL of Peddacheruvu, but the Lr. No.DCE-1/OT1/AEE4/Kotha cheruvu, Ameenpur (V) /2016, dt.31.03.2017 issued by the Chief Engineer, Minor Irrigation, Jalasoudha building, Erramanjil, Hyderabad addressed to the Principal Secretary to the Government, Irrigation and CAD Department of Government of Telangana states that Sy. Nos.322, 323 and 329 of Ameenpur village do not come under the FTL of the Kotha cheruvu Tank. The said letter does not say that they fall in FTL of Peddacheruvu also. They contend that this also demolishes the

veracity of the map now filed by respondents 5 to 7 along with I.A. No.3 of 2018.

34. They also contend that the so called inspection report of the inspection allegedly done in 2018, according to the respondents 5 to 7, has been suppressed and petitioners were not given any notice of the said inspection, and any such inspection report does not bind the petitioners. Counsel for the petitioner is also relied upon the judgment in **Cogent Ventures (Indian) Ltd. v. State of T.G. and others**¹ in support of his submissions.

The consideration by the Court

35. I have noted the contentions of both parties

36. From the contentions of the parties, the point to be decided is whether there was a road in Sy.No.149 of Ameenpur village, whether Sy.No.149 of Ameenpur village falls in the FTL of the Peddacheruvu Tank in the said village, and whether the petitioners are entitled for a direction to the respondents in the Writ Petition for not only restoring the road, but also the drain facility and whether respondents should be restrained from interfering with the enjoyment of the plots of the members of the 1st petitioner Society.

37. The Peddacheruvu in Ameenpur village is in Sy.No.231 of the said village.

38. The plots of the members of the 1st petitioner Society are in Sy.Nos.143, 146 and 150 of the said village. The Hyderabad Urban

¹ 2018 (6) ALD 375

Development Authority, which was the predecessor of the 8th respondent issued letter No.8297-LU/P5/HUDA/2007 dt.21-07-2007 certifying that as per statutory provisions of Master Plan, Sy.No.143 is *residential*. (Ex.P-3).

39. Vide proceedings No.009406/LPS/HMDA/PLG/2008 dt.14-06-2011 and Vide proceedings No.001965/LRS/ZO-SKP/HMDA/2012 dt.22-11-2012, the 8th respondent had regularized some of the plots of the members of the 1st petitioner Society (Ex.P-3). The 8th respondent has not denied these proceedings.

40. Petitioners contend that without any basis, the Irrigation and Revenue Department officials started claiming that the plots belonging to members of the 1st petitioner society are in the FTL of the Peddacheruvu (Ameenpur Tank); that one S.S. Ramakrishna, representing R.K. Builders and Developers who developed the said layout, had made an application on 08.12.2009 to the Tahsildar, Patancheru Mandal for issuance of a certificate of non-coverage of FTL and water body levels in Sy. No.143 and 146 of Ameenpur village stating that he purchased land through registered sale deeds No.12051, 12052 and 12053 of 2006; that a letter No.B/10997/2009 dt.22.12.2009 was addressed by the Tahsildar, Patancheru Mandal to the Deputy Executive Engineer, Irrigation Department, Sangareddy to conduct a survey of Pedda Cheruvu in Ameenpur village and fix up the FTL boundaries; joint inspection was done by the Assistant Executive Engineer, Irrigation & CAD Department, IB Section for fixation of FTL of Ameenpur Tank in respect of Sy. No.143 and 146 of the Ameenpur village; the FTL was fixed and a FTL Phodi

location sketch was prepared as per letter No.B/10997/09 dt.09-03-2010 according to which only an extent of Ac.1.18 gts was effected by the FTL area in Sy. No.143 and 146 of Ameenpur village. The copy of the said sketch was also furnished to the applicant.

41. These documents filed as Ex.P-6 from pages 34 to 40 of the paper book filed along with the Writ Petition are nowhere adverted to by the respondents. They are therefore deemed to be admitted. According to these documents, only small portion of Ac.1.18 gts in Sy.No.143 and 146 of Ameenpur village would fall within the FTL of the Peddacheruvu.

42. So the contention of the respondents that Sy.Nos.143, 146 and 150 of Ameenpur village where the plots of the members of the 1st petitioner Society are located are completely under the FTL of the Ameenpur tank, therefore cannot be accepted.

43. The respondents have also relied upon a map filed along with I.A.No.3 of 2018 allegedly prepared jointly by the officials of Revenue, Irrigation Departments and officials of the 8th respondent. According to the said map, the total water spread area upto the FTL of Ameenpur tank is Ac.465.00 gts; the Ayacut of Peddacheruvu tank is said to be 777 acres.

44. A startling plea was raised that the FTL map of Peddacheruvu of Ameenpur village and Mandal was initially prepared by Irrigation Department and uploaded online in public domain by HMDA and the petitioners ought to have filed objections to it and since they did not do so, the said map binds the petitioners.

45. This plea is ridiculous to say the least. In an order passed by this Court in **Cogent Ventures (Indian) Limited** (1 supra), this Court had rejected a similar contention observing that no person can be expected to check the website of the HMDA (8th respondent herein) for surveys affecting his land and to question the same by filing objections, when he was not put on notice of the said survey before it was done. Such a map, affecting the rights of private parties like the petitioners, cannot be said to bind them since it is prepared in violation of principles of natural justice behind their back.

46. At what time such map was prepared and on the basis of what parameters of height of bund, weirs of the Ameenpur tank and what Rules were followed for its preparation have not been disclosed. Therefore it cannot be relied upon by the respondents.

47. There is also ample material available on record to discredit the map filed by the respondents along with I.A.No.3 of 2018. In the said map Sy.No.198, 322, 323 and 329 of Ameenpur village are shown to be falling within the FTL of Peddacheruvu tank.

48. The 8th respondent's predecessor, the Hyderabad Urban Development Authority had issued a final layout permission on 17.08.2007 for a layout in Sy. No.198 of Ameenpur village and Grampanchayat (filed at page 12 of the reply affidavit). How the said survey number has now been shown in the map filed by respondents 5 to 7 as part of the FTL is not explained by the respondents.

49. The Lr. No.DCE-1/OT1/AEE4/Kotha cheruvu, Ameenpur (V) /2016, dt.31.03.2017 issued by the Chief Engineer, Minor Irrigation, Jalasoudha building, Erramanjil, Hyderabad addressed to the Principal Secretary to the Government, Irrigation and CAD Department of Government of Telangana states that Sy. Nos.322, 323 and 329 of Ameenpur village do not come under the FTL of the said Tank (page 17 of the papers filed along with reply affidavit). The said letter does not say that these survey numbers fall in FTL of the Peddacheruvu. No material is placed to show that these survey numbers fall in FTL of Peddacheruvu other than the map.

50. These two documents are sufficient to *prima facie* discredit the map filed by respondents 5 to 7 along with I.A. No.3 of 2018.

51. The petitioners had also placed reliance on *Memoirs* prepared by the Irrigation Department for the Peddacheruvu tank (filed with the reply affidavit at page 32 to 35) which show that the water spread at FTL of the said tank is Ac.93.15 gts only. These are old records prepared by the Irrigation Department and bind the said Department.

52. Not only did the respondents suppress the said material but they deliberately increased the FTL spread exorbitantly to 465 acres without any basis, with the result that area which was earlier not part of the water spread area of the tank, like the properties of the petitioners, came within the FTL to the serious disadvantage of the petitioners and other land owners in the said Survey Numbers. In my opinion, the FTL of a tank

cannot be changed arbitrarily from time to time depending upon the whims and fancies of the respondents.

53. It is thus clear that the respondents have filed a false affidavit and have deliberately tried to mislead the Court by creating documents contrary to their own records only to harass the petitioners and other innocent citizens. This Court strongly deprecates this conduct of all the respondents.

54. It is admitted in para-3 of the counter-affidavit filed by respondent Nos.2, 3 and 4 that there was a road laid in Sy.No.149 by the petitioners, though it is asserted that the said road was in FTL area and it was partially removed by the Revenue Department officials. In para-7 and para-9 of the affidavit filed in I.A.No.1 of 2019, the Irrigation Department officials also admit the existence of the road though they contend that it is a 'temporary' road.

55. In fact according to the petitioners, there was an existing mud road which was being used by the petitioners for access to their plots. The respondents have not produced any village map to discredit the plea of the petitioners. Even if any such village map prepared long back did not contain such a road, that would not mean that it was not formed later.

56. According to the petitioners, there was a road existing in Sy.No.149 which provided access to their plots and without any notice, the respondents and their subordinates prevented the petitioners from having access to their plots by damaging the road.

57. I have already held that by grossly exaggerating the water spread area of Peddacheruvu (contrary to the *Memoirs* of Peddacheruvu tank maintained by the Irrigation Department itself), the respondents are trying to cover not just Ac.93.15 gts but a huge extent of Ac.465.00 gts. If this plea of the respondents based on the map prepared by them is rejected outright as being false, then Sy.No.149 would clearly fall outside the FTL, being far away from the Peddacheruvu tank.

58. There would be no necessity for the petitioners to obtain any permission from any authority as G.O.Ms.No.168 dt.07-04-2012 would not apply as the site where the road is located is not adjoining a water body. In any event, when the layout of the petitioners was sanctioned long prior to 2012 by the then Gram Panchayat, the said G.O. would have no application since it does not have retrospective operation.

59. It is admitted by the Revenue Department at page 5 of its counter filed in I.A.No.3 of 2018 that obstructions for free flow of water in FTL and buffer area exist because of gravel and boulders. Such obstructions are not proved by the respondents to have been made by the petitioners at all. In the affidavit filed in support of I.A.No.1 of 2019, the Irrigation Department officials admit that sluice gates are kept closed and are only operated when farmers demand irrigation and that the weir on the right flank to the Peddacheruvu tank has not been in use since long back. By closing the sluices, it is obvious that the bund height and weir are increased. It is the duty of the respondents 1-4 to keep the drains and sluices of the Peddacheruvu tank operational so that there is no flooding at

any point of time and the excess water gets drained without submerging any land.

60. For the aforesaid reasons, I hold that (i) there was a road in Sy.No.149 of Ameenpur village, (ii) that Sy.No.149 of Ameenpur village does not fall in the FTL of the Peddacheruvu Tank in the said village, and (iii) the petitioners are entitled for a direction to the respondents in the Writ Petition to not only restore the road in Sy.No.149 of Ameenpur village leading to the plots owned by the members of the 1st petitioner Society in Sy.Nos. 143, 146 and 150 of Ameenpur village but they are also entitled to (iv) a direction to the respondents to properly maintain the drain facilities, and weir facilities for the Peddacheruvu tank to prevent flooding and (v) also not to interfere with the enjoyment of the plots of the members of the 1st petitioner Society.

61. The Writ Petition is therefore allowed with costs of Rs.25,000/- to be paid by the 1st respondent to the petitioners and a Writ of Mandamus is issued directing:

- (i) the respondents in the Writ Petition to restore the road in Sy.No.149 of Ameenpur village leading to the plots owned by the members of the 1st petitioner Society in Sy.Nos. 143, 146 and 150 of Ameenpur village within four weeks; if not, the petitioners are entitled to take steps to restore the said road at their cost and expense without any obstruction by the respondents;

- (ii) the respondents to properly maintain the drain facilities, and sluice/weir facilities for the Peddacheruvu tank to prevent flooding; and
- (iii) the respondents not to interfere with the enjoyment of the plots of the members of the 1st petitioner Society.

62. Consequently I.A.No.3 of 2018 and I.A.No.1 of 2019 in W.P.No.37145 of 2018 are dismissed. No costs.

C.C.NO.3106 OF 2018

63. This Contempt Case was filed alleging non-compliance by the respondents of the interim order dt.12-10-2018 granted in I.A.No.2 of 2018 permitting the petitioners to undertake repairs to the road existing in Sy.No.149 of Ameenpur village and Mandal, Sangareddy District pending disposal of the Writ Petition.

64. Since the vacate stay applications I.A.No.3 of 2018 and I.A.No.1 of 2019 were pending till date and have been rejected only by this order, I do not wish to punish the respondents for Contempt of Court.

65. Therefore this Contempt Case is closed. No costs.

66. As a sequel, miscellaneous petitions pending if any in these Revisions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-09-2019

MRKR/VSU