

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.45076 of 2018

ORDER:

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondent nos.2 to 5 in considering the petitioner's representations dated 06.12.2018, 12.11.2018 and 08.10.2018, wherein requested to take appropriate action to stop the illegal construction being carrying out by the respondent nos.7 to 10 in Sy.No.148 (which was subsequently divided into subdivision numbers A to F), situated at Pragathi Nagar Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District by encroaching petitioner's part of land, without obtaining any valid permissions from the respondents is illegal, arbitrary and in violation of Article 14 and 21 of the Constitution of India besides in violation of H.M.C. Act and consequently direct the respondents to consider the representation dated 06.12.2018, 12.11.2018 and 08.10.2018 including direction to stop the illegal construction being carrying out by the respondent nos.7 to 10 in Sy.No.148 (which was subsequently divided into subdivision numbers A to F), situated at Pragathi Nagar Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District and to pass such other order or orders as this Hon'ble Court may deem fit, just and proper in the circumstances of the case.'

It appears that the petitioner made representations dated 08.10.2018, 12.11.2018 and 06.12.2018 to the authorities including the Hyderabad Metropolitan Development Authority and the Panchayat Authorities in relation to the alleged illegal constructions being made by respondents 6 to 10 in Survey No.148, Pragathinagar Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District. The complaint of the petitioner is that a part of his land was being encroached upon in this process.

In the light of the order proposed to be passed by this Court in this writ petition, it would not be necessary to put the unofficial respondents on notice or afford them an opportunity of hearing.

Sri V.Siddarth Goud, learned counsel representing Sri V.Narasimha Goud, learned counsel for the Hyderabad Metropolitan Development Authority, would inform this Court that no layout has been sanctioned in the subject survey number and that such a layout could only be sanctioned with the participation of the authority.

In any event, as the matter is pending consideration before the authorities concerned who are yet to take any action upon the representations made by the petitioner, this Court does not deem it appropriate to entertain the writ petition at this stage and adjudicate the issues raised therein.

The writ petition is accordingly disposed of directing the Hyderabad Metropolitan Development Authority and the Pragathinagar Gram Panchayat to take appropriate action on the representations dated 08.10.2018, 12.11.2018 and 06.12.2018 as warranted and in accordance with law, after giving due opportunity of hearing to all parties concerned, including the petitioner and respondents 6 to 10. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:04.01.2019

PGS