

HON'BLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.803 of 2020

ORDER:

Heard the learned counsel for the petitioner as well as the learned standing counsel appearing for the respondent Nos.2 to 4.

2. The prayer sought in the writ petition is as under:

"... this Hon'ble Court may be pleased to issue a Writ, order or orders more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in granting illegal permissions in the lands in Survey No. 76, 77, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 119, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115 situated at Puppalguda Village, Gandipet Mandal, Ranga Reddy District as illegal, improper, arbitrary, unconstitutional and against the Principles of Natural Justice consequently direct the respondents No. 2 to 4 not to grant any construction permissions in the above survey numbers and to pass such other order or orders appropriate in the case."

3. Learned counsel for the petitioners submits that the petitioners are the absolute owners of the lands in the survey numbers, mentioned in the prayer as well as the affidavit filed in support of the writ petition, situated at Puppalguda Village, Gandipet Mandal, Ranga Reddy District. The basic grievance of the petitioners is that the respondent – Corporation is granting permissions, in the lands in the aforementioned survey numbers belonging to the petitioners, illegally. Learned counsel also relied on the copies of the original Sethwar and also the copies of the Survey, Settlement (Ryotwari) and Land Records Department in the State of Telangana. Basing on said documents, the learned counsel asserts that the petitioners are the absolute owners having title. However, the respondents, without looking into the title aspect, are granting permissions illegally in favour of the encroachers and third parties without any authority of law.

4. The learned standing counsel appearing for the respondent Nos.2 to 3 submits that the affidavit filed in support of the writ petition is bereft of material particulars such as extent of land in each survey number and the boundaries thereof. In these circumstances, it is difficult for the Corporation to verify the grievance of the petitioners. That apart, the learned standing counsel also brought to the notice of this Court that the petitioners have not submitted any representation for redressing their grievance relating to grant of permissions in favour of the encroachers as well as third parties.

5. In these circumstances, it is difficult for this Court to verify the genuineness or otherwise of the documents relied on by the petitioners and the permissions granted by the respondents in respect of the lands mentioned in aforesaid survey numbers. Therefore, this Court is of the opinion that if the petitioners submit a detailed representation before the respondents giving the particulars relating to each survey number and also the extent of the lands, the respondent – Corporation would be in a position to look into the same and pass appropriate orders. In fact, the respondent – Corporation is also under an obligation to verify the *prima facie* title as per the provisions of Sections 429(1)(aa) of the Greater Hyderabad Municipal Corporation Act, 1955.

6. Therefore, in order to meet the ends of justice an opportunity is given to the petitioners to submit a representation, to the respondent – Corporation, in detail with reference to the survey numbers and the respective extents of land belonging to them. Upon such representation, the respondent – Corporation is directed to pass appropriate orders as per law within a period of four (4) weeks from the date of receipt of a copy of the said representation.

The writ petition is disposed of. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

P. KESHAVA RAO, J

January 20, 2020
DSK

