

**THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN**

**AND**

**THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY**

**WRIT PETITION No. 23690 of 2009**

**ORDER:** *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. Vishal Maharana, learned counsel for the petitioner.

2. This petition has been filed under Article 226 of the Constitution of India assailing the legality and validity of G.O.Ms.No.35 dated 02.03.2007 of the Agriculture and Cooperation (Horticulture) Department, Government of Andhra Pradesh (now Telangana).

3. G.O.Ms.No.35 dated 02.03.2007 reads as under:

**"ORDER:**

*The Commissioner of Horticulture in the reference read above has stated that on the request of General Administration (Protocol) Department for allocation of 30,500 Sft. Of land adjacent to Tennis Court in the Public Gardens premises pertaining to Horticulture Department to the Department of Protocol for locating and*

*construction of permanent protocol office, a joint inspection of the Public Gardens was done by the Senior Officers of both departments on 20.11.2006 and it was recommended to allot the parking departments on 20.11.2006 and it was recommended to allot the parking area land along the compound wall of railway track beside the Jubilee Hall to the Protocol Department for construction of their office building. He further stated that accordingly General Administration (Protocol) Department has requested for allocation of the said land.*

*2. Government after careful examination of the proposal have decided to transfer the land referred to in Para.1 above measuring to an extent of 30,500 Sft. In Public Garden premises, Hyderabad pertaining to Horticulture Department, to General Administration (Protocol) Department for construction of their Office building.*

*3. The Commissioner of Horticulture, A.P.Hyderabad is, therefore, requested to take further action accordingly.”*

4. We find that petitioner in this case is 'Morning Walkers Association' represented by its President Syed Muneer Ahmed.

5. In the writ affidavit, it is only stated that morning walkers association was established in the year 1990 with aims and objectives to protect environment of public space for welfare of the people at large. However, nothing has been placed on record as to whether morning walkers association is a registered body or not. List of members have not been annexed to the writ affidavit. Who are the office bearers of the petitioner – association has also not been disclosed. No resolution authorizing filing of writ petition has been placed on record.

5.1. Challenge was made 2 years after passing of G.O.Ms.No.35 dated 02.03.2007. There is no explanation as to why challenge was made belatedly. The writ petition is pending in this Court since the year 2009 without any interim stay.

6. In paragraph 4 of the writ affidavit, it is stated that after construction was started, morning walkers association filed W.P.No.14677 of 2009 which is stated to be pending.

7. Grievance, if any, of the petitioner would be considered in W.P.No.14677 of 2009. In the present proceeding, we are not inclined to examine legality and validity of G.O.Ms.No.35 dated 02.05.2007 at the instance of the petitioner.

8. That being the position, we are not inclined to entertain the writ petition and accordingly the same stands dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

---

**UJJAL BHUYAN, CJ**

---

**C.V.BHASKAR REDDY, J**

03.11.2022  
MRM

**THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN**  
**AND**  
**THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY**

**WRIT PETITION No.23690 of 2009**

03.11.2022  
mrm