

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.43097 of 2022

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in granting approval of draft layout with gated community in favour of the 8th respondent to an extent of Ac 24-3 lgts in Sy No 879 and 881 vide proc No 1064/MED/PLG/ HMDA/2022 dated 26-08-2022 in so far as the petitioners land admeasuring Ac 8-08gts in Sy No 879 situated at Medchal village and Mandal Medchal-Malkajgiri District as illegal arbitrary and violative of Articles 14 and 300-A of the Constitution of India and apart from being violative of principles of natural justice and pass...”

2. Learned Counsel for the petitioner Mr. G. Jayendra Balaji submits that the petitioner gave several representations to the Stamps and Registration Department and also to the HMDA. He submits that the respondent-HMDA has granted permission to the unofficial respondent and in this regard the petitioner gave a representation dated 17.09.2022 to the respondent-HMDA wherein he has categorically stated that one Late Chakraboina Ramudu was declared as Protected Tenant of land admeasuring Ac.8-08 guntas in Sy.No.879 situated at Medchal Village and Mandal. He submits that petitioner is a legal heir of the said Late Chakraboina Ramudu and earlier when the petitioner's name was mutated in the revenue records by the Tahsildar an appeal was preferred to the Revenue Divisional Officer and the RDO has set aside the orders passed by the Tahsildar and thereafter petitioner preferred a Revision Petition before the Joint Collector and the same was also dismissed confining the order of the RDO. He submits that thereafter he filed O.S.No.18 of 2020 on the file of the Hon'ble II Additional District Judge, Medchal-Malkajgiri at Medchal to declare them as legal heirs and successors of Late Chakraboina Ramudu and accordingly an order was passed declaring them as legal heirs by its Judgment and Decree dated 26.08.2022. Hence by virtue of the same, the respondent-HMDA cannot grant any permission in favour of the third parties in respect of the said land. He submits that inspite of the said

representation dated 17.09.2022, no action has been taken by the respondent-HMDA.

3. Learned Counsel appearing for the unofficial respondent submits that they will file a detailed counter affidavit before this Court.

4. Learned Standing Counsel Mr. V. Narsimha Goud appearing for respondent No.5 submits that the permission was granted on 26.08.2022 and on the same day the Court has also passed a Judgment and Decree. He submits that after issuing notices to the unofficial respondent, they will consider the objections and they will pass appropriate orders as per Section 22 of the HMDA Act, 2008.

5. Learned Standing Counsel Mr. B. Jagan Madhav Rao appearing for respondent No.6 submits that it is for the HMDA to consider the representation.

6. Recording the submission made by the learned Standing Counsel for respondent No.5, the Writ Petition is disposed of directing the respondent-HMDA to consider the representation of the petitioner dated 17.09.2022 in the light of the orders passed by the Civil Court in O.S.No.18 of 2020 vide Judgment and Decree dated 26.08.2022 and the respondents shall give a show-cause notice to the unofficial respondent within a period of 1 week and thereafter the unofficial respondent shall submit his explanation within a period of two weeks and within a period of two weeks thereon the respondent-HMDA shall pass orders. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

13th December , 2022
myk