

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF DECEMBER

TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 46561 OF 2022

Between:

1. Bhagyanagar Phase-III Residents Welfare Association, Rep. by its Secretary Mr. Kamma Sreedhar, S/o. K. Koteswara Rao, Occ. General Secretary, O/o at Colony Library, Bhagyanagar Phase-III Colony, Beside HMT Hills, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District, Telangana

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, Hyderabad.
2. The State of Telangana, Rep by its Principal Secretary, Home Department, Secretariat Building, Hyderabad.
3. The Special Chief Secretary and Chief Commissioner of Land Administration, Telangana
4. The Commissioner and Director, Municipal Administration and Urban Development Department, AC Guards Road, Masabtank, Hyderabad.
5. The Special Officer and Competent Authority, Urban Land Ceiling and regulation Act, Nampally, Hyderabad.
6. The Greater Hyderabad Municipal Corporation, Lower Tank Band, Hyderabad. Rep. by its Commissioner
7. The Zonal Commissioner, GHMC-Kukatpally Circle, Kukatpally, Medchal Malkajgiri District.
8. The Dy. Commissioner, GHMC, Western Division, Division -14, Kukatpally, GHMC-Kukatpally Circle, at Moosapet, Medchal-Malkajgiri District, Telangana Hyderabad-500 001.
9. The District Collector, Medchal- Malkajgiri District.
10. The Revenue Divisional Officer, Malkajgiri Revenue Division, Medchal Malkajgiri District.
11. The Tahsildar, Kukatpally Mandal, Medchal- Malkajgiri District.
12. The State of Telangana, Rep by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat, Hyderabad.
13. The Commissioner and Inspector General of Stamps and Registrations, Govt. of Telangana, Mozamjahi Market Road, Hyderabad-500 001.
14. The District Registrar, Medchal-Malkajgiri District, Hyderabad.
15. The Sub Registrar, Office of the Sub Registrar, Kukatpally, Medchal-Malkajgiri District, Hyderabad.
16. The Station House Officer, KPHB Colony, Kukatpally Mandal, Malkajgiri-Medchal, T.S.

17. The Bhagyanagar Co-Operative Housing Society Ltd., Kukatpally, Hyderabad, Rep. by its person in charge.
18. Mr. M. Venkat Raju, S/o. Sri Naga Raju, Occ. Business, R/o. B3/15, Staff Quarters, JNTU, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District.
19. Mr. J. Lakshma Rao, S/o. Sri Seetharamayya, Occ. Business, R/o. Quarter No.4, Somajiguda, Hyderabad.
20. Mr.D.V.V.S. Swamiji, S/o. Sri D. Sobhanadri, Occ. Business, R/o. MIG-914, BHEL, Hyderabad, Telangana
21. Sri. Chamala Anki Reddy, S/o. Sri. Ch. Seshu Reddy, Occ. Business, R/o. Plot No.56/c, Addagutta Society, Western Hills, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District, Telangana
22. Smt. Nagam Jyothi, W/o. Nagam Srinivas Reddy, Occ. House wife, R/o. Plot No.56/c, Addagutta Society, Western Hills, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District, Telangana
23. Smt. T.Marathamma, D/o. Sri. T. Venkateswarlu, Occ. House wife, R/o. H.No. 2-22-307/46, Jayanagar, Addagutta Society, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District, Telangana
24. Sri. Yeluri Venkateswarlu, S/o. Sri. Y. Obaiiah, Occ. Business, R/o. Ponguru Village, Marripadu Mandal, Sri Pottisriramulu Nellore District, A.P.
25. Sri. Ayalasomajula Venkata Rama Rao, S/o. Sri. Rambabu, Occ. Rctd. Employee, R/o. Flat No.G-1, Gayatri Enclave, Eswar Villa Road, Nizampet, Bachupally Mandal, Medchal- Malkajgiri District,
26. Smt. Badarawati Tripura Sundari, W/o. Sri. BHVNK Varma, Occ. House wife, R/o. MIG-18/5, Phase-IV, KPHB Colony, Kukatpally Mandal, Medchal- Malkajgiri District.
27. Sri. Bura Vinay Kumar, S/o. Sri. B. Chiranjeevi, Occ. Pvt. Service, R/o.H.No.5-11/12/13/13A, Flat No. 504, KSR Towers, Kommongadda, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District.
28. Sri Bura Chiranjeevi, S/o. Sri. B. Rajaiah, Occ. Business, R/o.H.No.2-22-176/A, IInd Floor, Plot. No.35, Jayanagar, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District.
29. Sri. Bura Shiva Sai, S/o. Sri. B. Chiranjeevi, Occ. Pvt. Service, R/o. H.No.2-22-176/A, IInd Floor, Plot. No.35, Jayanagar, Kukatpally, Kukatpally Mandal, Medchal- Malkajgiri District.
30. Sri. Eragadinla Suresh Kumar, S/o. Sri E. Anjaiah, Occ. Business, R/o. H.No.2-22-339, Bhagyanagar Colony, Kukatpally Mandal, Medchal- Malkajgiri District.
31. Mr. Eragadinla Anjaiah, S/o. Late E. Mallaiiah, Occ. Business, R/o. H.No.2-22-339, Bhagyanagar Colony, Kukatpally Mandal, Medchal- Malkajgiri District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or direction in the nature of a writ, more particularly a writ of mandamus, declaring the inaction of the respondent authorities in taking action against the illegal encroachment of the surplus to an extent of 2186 of Sq. yds belongs to Bhagyanagar Phase-III Residents Welfare Association, in Survey Nos. 180, 197, 200, situated at Kukatpally village, Kukatpally Mandal, Medchal Malkajgiri District and without considering the representations of the petitioner society dtd. 18-08-2022, 10-10-2022, 17-10-2022, 22-10-2022 is illegal, arbitrary and violation of principles of natural justice and also violation of article 14, 21 and 300-A of Constitution of India and consequently

direct respondent Nos 1 to 16 to take steps for protecting the surplus land of petitioner society from the clutches of illegal land grabbers/encroachers forthwith

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent Nos. 5 to 11 to construct the public park and other amenities in the larger interest of petitioner society in the surplus land to an extent of 2186 of Sq. yds belongs to Bhagyanagar Phase-III Residents Welfare Association, in Survey Nos. 180, 197, 200, situated at Kukatpally village, Kukatpally Mandal, Medchal Malkajgiri District

IA NO: 2 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent Nos. 9 to 15 not to entertain any registration pertains to the surplus land of to an extent of 2186 of Sq. yds belongs to Bhagyanagar Phase-III Residents Welfare Association, in Survey Nos. 180, 197, 200, situated at Kukatpally village, Kukatpally Mandal, Medchal Malkajgiri District by including the same property in prohibition list under Section 22A of Registration Act

Counsel for the Petitioner	: SRI. BVSS BALAKRISHNA RANJIT
Counsel for the Respondent No.1	: GP FOR MCPL ADMN URBAN DEV
Counsel for the Respondent Nos.2 and 16	: GP FOR HOME
Counsel for the Respondent Nos.3 and 5	: GP FOR LAND ADMINISTRATION
Counsel for the Respondent Nos.4,6,7,8	: SRI DHANANJAY REDDY
Counsel for the Respondent Nos. 9 to 15	: GP FOR REVENUE
The Court made the following :	

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.46561 of 2022

ORDER:

The writ petition is filed seeking the following relief:

"... to issue a writ or direction in the nature of a writ, more particularly a writ of mandamus, declaring the inaction of the respondent authorities in taking action against the illegal encroachment of the surplus to an extent of 2186 of Sqyds belongs to Bhagyanagar Phase-III Residents Welfare Association in Survey Nos.180, 197, 200 situated at Kukatpally village, Kukatpally Mandal, Medchal Malkajgiri District and without considering the representations of the petitioner society dtd.18-08-2022, 10-10-2022, 17-10-2022, 22-10-2022 is illegal, arbitrary and violation of principles of natural justice and also violation of article 14, 21 and 300-A of Constitution of India and consequently direct respondent Nos.1 to 16 to take steps for protecting the surplus land of petitioner society from the clutches of illegal land grabbers/encroachers forthwith and".

2. Mr. B.V.S.S.B.K.Ranjit, learned counsel for the petitioner submits that the petitioner's association has given several representations to the revenue and municipal authorities stating that some constructions are being carried out in open spaces, on the septic tank, library and parks admeasuring 2186sq.yards in Sy.Nos.180, 197 and 200 situated at Bhagyanagar Phase-III Colony, Beside HMT Hills, Kukatpally. He submits that in spite of several representations, no action has been taken by the respondents.

3. Mr. M. Dhananjay Reddy, learned standing counsel for the respondent municipality submits that it is an approved layout and if there are any constructions in the land earmarked as open spaces, municipality is

obligated to take action as it is their responsibility to protect the said open spaces. He submits that he has no instructions whether this layout which the petitioner is referring is approved layout or not.

4. If the said layout is an approved layout and if there is encroachment in the open spaces, to this extent, the respondents shall consider the representation of the petitioner and pass appropriate orders within a period of (6) weeks from the date of receipt of copy of the order, duly issuing notice to the unofficial respondents. In this case, this court has not issued notice to the unofficial respondents, as the respondents are directed to give an opportunity to the unofficial respondents. There shall be no order as to costs.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

**SD/-MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Building, State of Telangana, Hyderabad.
2. The Principal Secretary, Home Department, Secretariat Building, State of Telangana, Hyderabad.
3. The Special Chief Secretary and Chief Commissioner of Land Administration, Telangana
4. The Commissioner and Director, Municipal Administration and Urban Development Department, AC Guards Road, Masabtank, Hyderabad.
5. The Special Officer and Competent Authority, Urban Land Ceiling and regulation Act, Nampally, Hyderabad.

6. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Band, Hyderabad.
7. The Zonal Commissioner, GHMC-Kukatpally Circle, Kukatpally, Medchal Malkajgiri District.
8. The Dy. Commissioner, GHMC, Western Division, Division -14, Kukatpally, GHMC-Kukatpally Circle, at Moosapet, Medchal-Malkajgiri District, Telangana Hyderabad-500 001.
9. The District Collector, Medchal- Malkajgiri District.
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16. The Station House Officer, KPHB Colony, Kukatpally Mandal, Malkajgiri-Medchal, T.S.
17. One CC to SRI. BVSS BALAKRISHNA RANJIT Advocate [OPUC]
18. One CC to SRI. DIHANANJAY REDDY (SC)[OPUC]
19. Two CCs to GP FOR HOME ,High Court for the State of Telangana, Hyderabad. [OUT]
20. Two CCs to GP FOR MCPL ADMN URBAN DEV ,High Court for the State of Telangana, Hyderabad. [OUT]
21. Two CCs to GP FOR LAND ADMINISTRATION ,High Court for the State of Telangana, Hyderabad. [OUT]
22. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana, Hyderabad. [OUT]
23. Two CD Copies

HIGH COURT

LKJ

DATED:30/12/2022



ORDER

WP.No.46561 of 2022

WRIT PETITION IS DISPOSED
OF WITHOUT COSTS