

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JANUARY  
TWO THOUSAND AND TEN

PRESENT  
**THE HON'BLE SRI JUSTICE C.V. RAMULU**

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**WRIT PETITION Nos.17332 OF 2000, 13755 OF 2001, 18828 OF  
2001 AND 20216 OF 2003**

**WRIT PETITION No.17332 OF 2000:**

BETWEEN:

T. Sree Laxmi, W/o. Venkateshwar Rao and others

**... PETITIONERS**

AND

The State of A.P., represented by its Principal Secretary to Municipal  
Administration, Secretariat, Hyderabad and others

**...RESPONDENTS**

**WRIT PETITION No.13755 OF 2001:**

BETWEEN:

M. Pushpalatha, W/o. late M.N. Satyanrayana and others

**... PETITIONERS**

AND

The State of A.P., represented by its Principal Secretary to Revenue,

Secretariat, Hyderabad and others

**...RESPONDENTS**

**WRIT PETITION No.18828 OF 2001:**

BETWEEN:

M. Vijaya Lakshmi, W/o. M. Radha Krishna Murthy and othres

**... PETITIONERS**

AND

The State of A.P., represented by its Principal Secretary to Revenue,  
Secretariat, Hyderabad and others

**...RESPONDENTS**

**WRIT PETITION No.20216 OF 2003:**

BETWEEN:

Raghavendra Nagar Colony Welfare Association and others

**... PETITIONERS**

AND

The State of A.P., represented by its Principal Secretary to Revenue,  
Secretariat, Hyderabad and others

**...RESPONDENTS**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE C.V. RAMULU**  
**WRIT PETITION Nos.17332 OF 2000, 13755 OF 2001,**  
**18828 OF 2001 AND 20216 OF 2003**

**COMMON ORDER:**

These writ petitions are filed for a mandamus declaring the action of respondents in resorting to demolish the structures of the petitioners land in Survey No.140 of Kukatpally Village, Ranga Reddy District as illegal and arbitrary and consequently to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners against their respective plots in Suvery No.140 of Kukatpally Village, Ranga Reddy District.

It appears that the petitioners are the owners of the housing plots in the layout sanctioned by the appropriate authority in Survey No.140 of Kukatpally Village, Ranga Reddy District. According to them, they are in possession and enjoyment of the open house plots in Survey No.140. They have constructed small houses thereon. Now, the respondents are trying to demolish the same illegally and remove the existing structures in the Survey No.140 of Kukatpally Village. It is also asserted by the petitioner that the plot owners, which are further located nearer to the Yellama Tank, were permitted to raise structures and in fact they have raised structures and living thereon and also paying municipal taxes.

Whereas, the learned counsel for the Municipality strenuously contended that there may be a sanction of layout in Survey No.140 of Kukatpally Village, but in view of the fact that the same is within the Full Tank Level of Yellama Cheruvu i.e, northern side, the petitioners are not permitted to raise structures and even, if there are any structures they are liable to be demolished.

The fact that there was a duly sanctioned layout for Survey

No.140 against various plots is not disputed. It is also not in dispute that on the southern side of the Yellama Cheruvu, houses are existing and permission was granted by the Hyderabad Urban Development Authority for raising such structures.

The learned counsel appearing for the Municipality categorically stated that at the time of granting layout for Survey No.140 of Kukatpally Village, the fact as to the Full Tank Level of Yellama Cheruvu was not taken into consideration and this question had arisen only when the petitioners sought permission for construction of houses in their respective plots, which had fallen within the Full Tank Level of Yellama Cheruvu, as spoken by the Irrigation Department. But, the fact that many others were allotted with the plots and raised structures and living there is not in dispute.

In the facts and circumstances, without expressing any opinion on merits, the respondents are directed to permit the petitioners to raise structures on the plots owned by them without raising any objection as to the Full Tank Level of Yellama Cheruvu, since the entire area has become inhabitant and there is no provision for storing water in the Yellama cheruvu. The respondents shall consider and pass appropriate orders as per the observations made above, within a period of eight weeks from the date of receipt of a copy of this order. Till such time the respondents shall not interfere with the peaceful possession and enjoyment of the petitioners against their respective plots.

Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs.

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**C.V. RAMULU, J**

January 21, 2010  
MD

