

HIGH COURT FOR THE STATE OF TELANGANA
 AT HYDERABAD
 (Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF OCTOBER
 TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 39130 OF 2022

Between:

1. Kasireddy Bhujender Reddy, S/o. Late Kasireddy Ramchandra Reddy, Aged about 70 years, Occ Business, R/o. Villa No 8 and 9, Sitaramia Homes Bachupally, Hyderabad, T.S.
2. Kasireddy Vemana Reddy, S/o. Late Kasireddy Ramchandra Reddy, Aged about 68 years, Occ Business, R/o.8-3-318/114, Jayaprakash Nagar, Yellareddyguda, Hyderabad, T.S.

...PETITIONERS

AND

1. The State of Telangana, Rep by its Principal Secretary Municipal Administration Urban Development Authority, Secretariat at Hyderabad.
2. Nizampet Municipal Corporation, Rep. by its Commissioner Old Gram Panchayat Office, Pragathi Nagar, Hyderabad, Telangana 500090.
3. The Hyderabad Metropolitan Development Authority (HMDA), Rep. by its Commissioner, Swarna Jayanthi Complex, Sanjeerva Reddy Nagar, Srinivasa Nagar, Ameerpet, Hyderabad - 500038, Telangana State, India.
4. Sarasam Abharna Devi (alias) K. Abharna Devi, W/o. Late S. Ramakrishna Reddy, D/o Late Kasireddy Ramchandra Reddy Aged about 63 years, Occ Housewife, R/o. 11, Mahalakshmi Residency, Kompally, Near Chandra Reddy Function Hall, Ranga Reddy District, T.S.
5. Smt. Sunki Reddy Vaidehi, @ Kasireddi Vydevi alias Kasireddi Vaidehi, W/o. Sunki Reddy Rajashekhar Reddy, D/o. Late Kasireddy Ramchandra Reddy, Aged about 58 years, Occ Housewife, R/o. H.No. 3-6-224/225, Flat No. 302, Sreedevi Estate, Street No. 16, Old MLA Qtrs., Hirnayath Nagar, Hyderabad, T.S-29.

...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 pass order or orders one in the nature of WRIT OF MANDAMUS declaring the action of Respondent No. 2 and 3 for not considering the application/petition dated 24-09-2022 filed by the petitioner for not to grant any permission in respect of the lands i.e., Lands in Survey Numbers 71, 72, 73, 75, 94, 96 admeasuring about Ac. 8.92 and Lands in Survey Numbers 85,86,92,113,114 admeasuring Ac. 9.16, situated at Bachupally Village, Bachupally Mandal, Medchal-Malkajgiri District, TS., as the matter is sub-Judice

before Land Reform Tribunal and to pass such order or orders as this Honble authority deems fit in the interest of justice.

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 No.2 and 3 not to grant any permission in respect of the land i.e., Lands in Survey Numbers 71, 72, 73, 75, 94, 96 admeasuring about Ac. 8.92 and Lands in Survey Numbers 85.86,92.113.114 admeasuring Ac. 9.16, situated at Bachupally Village, Bachupally Mandal, Medchal-Malkajgiri District, T.S, as the matter is sub-judice before Land Reform Tribunal.

Counsel for the Petitioners : SRI SURESH SHIV SAGAR

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND URABAN DEVELOPMENT

**Counsel for the Respondent No.2: SRI B. JAGAN MADHAV RAO,
SC FOR MUNICIPALITY**

Counsel for the Respondent No.3: SRI V. NARASIMHA GOUD, SC FOR HMDA

Counsel for the Respondent Nos.4 & 5:-----

The Court made the following: ORDER

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.39130 of 2022

ORDER:

This writ petition is filed seeking the following relief:

"...to issue appropriate writ, order, or direction, particularly a WRIT OF MANDAMUS declaring the action of Respondent No.2 and 3 for not considering the application/petition dated 24-09-2022 filed by the petitioner for not to grant any permission in respect of the lands i.e., Lands in Survey Numbers 71, 72, 73, 75, 94, 96 admeasuring about Ac.8.92 and Lands in Survey Numbers 85, 86, 92, 113, 114 admeasuring Ac.9.16 situated at Bachupally Village, Bachupally Mandal, Medchal-Malkajgiri District, T.S. as the matter is sub-judice before Land Reform Tribunal..."

2. Sri Suresh Shiv Sagar, learned counsel for the petitioners, submits that in respect of the property in Sy.Nos.71, 72, 73, 75, 94 and 96 admeasuring Ac.8.92 gts., and in Sy.Nos.85, 86, 92, 113 and 114 admeasuring Ac.9.16 gts., situated at Bachupally village and Mandal, the proceedings are pending before the Land Reforms Tribunal. It is stated that the family members of the petitioners have approached the official respondents pending the said litigation and obtained permission. In this regard, though the petitioners have given a representation, the same was not considered by the official respondents. He submits that when the said litigation is pending and the rights were not finally determined and without those proceedings being attained finality, the official respondents cannot grant

permission and in respect of those properties, the third party rights cannot be created.

3. Sri V.Narasimha Goud, learned Standing Counsel submits that the official respondents have granted final layout on 08.09.2021. He submits that though the petitioners have stated several things before the Court in the affidavit, nothing has been stated in the representation. He submits that basing on the said vague representation, the official respondents may not be able to consider their representation.

4. Learned counsel for the petitioners submits that the petitioners will submit a detailed representation disclosing all the relevant particulars.

5. As rightly pointed out by the learned Standing Counsel, though the petitioners have stated several things in the writ affidavit, the representation dated 24.09.2022 is silent.

6. Accordingly, the writ petition is disposed of giving liberty to the petitioners to make a fresh representation giving all the relevant

particulars and on receiving the said representation, the official respondents shall take appropriate action, in accordance with law, within a period of six weeks from thereon. Before passing orders, the official respondents shall issue notice to the unofficial respondents. As this Court directing the official respondents to issue notice to the unofficial respondents before passing orders, notice to the unofficial respondents is not necessary in this writ petition. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

SD/- T. JAYASREE
ASSISTANT REGISTRAR
//TRUE COPY//
SECTION OFFICER

To,

1. The Principal Secretary Municipal Administration Urban Development Authority, State of Telangana, Secretariat at Hyderabad.
2. The Commissioner Nizampet Municipal Corporation, Old Gram Panchayat Office, Pragathi Nagar, Hyderabad, Telangana 500090.
3. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA), Swarna Jayanthi Complex, Sanjeeva Reddy Nagar, Srinivasa Nagar, Ameerpet, Hyderabad - 500038, Telangana State, India.
4. One CC to Sri Suresh Shiv Sagar, Advocate [OPUC]
5. Two CCs to GP for Municipal Administration and Urban Development, High Court for the State of Telangana at Hyderabad. [OUT]
6. One CC to Sri B. Jagan Madhav Rao, SC for Municipality [OPUC]
7. One CC to Sri V. Narasimha Goud, SC for HMDA [OPUC]
8. Two CD Copies
9. One Spare Copy

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GJP

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HIGH COURT

DATED:31/10/2022

ORDER

WP.No.39130 of 2022



DISPOSING OF THE WP
WITHOUT COSTS

[Handwritten signature]