

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

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE P.MADHAVI DEVI

WRIT PETITION NO: 5776 OF 2022

Between:

Nimmala Samanita, D/o Late Srinivas Goud, Aged about 20 year, R/o H.No.4-14,
Ismailkanpet, Patalguda, Sanga Reddy Mandal, Sanga Reddy District.

AND

...PETITIONER

1. The State of Telangana, M.A & UD Department, Secretariat Buildings, Secretariat, Hyderabad, Rep. by its Principal Secretary.
2. The Hyderabad Metropolitan Development Authority, Maitrivanam, Ameerpet, Hyderabad, Rep by its Commissioner.
3. M/s Prem Constructions, Rep. by its Chairman, Sri M.Prem Kumar, Villa No.155, Ramky Park, HMT, Sathavahana Nagar, Opp. KPHB Colony, Kukatpally, Hyderabad - 500 072.

...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, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not considering the representation dated 9.12.2021 made by the petitioner for declaring that only one Plot i.e., Plot No.763, admeasuring 409 Sq. yards exists in the layout of Matrusri Cooperative Housing Building Society vide Layout No.2209/MP2 / PLG /H/90, is highly illegal, arbitrary and in violation of Article 14 of the Constitution of India and consequently direct the 2nd respondent to dispose of the representation dated 9.12.2021 made by the petitioner for declaring that only one Plot i.e., Plot No.763, admeasuring 409 Sq. yards exists in the layout of Matrusri Cooperative Housing Building Society vide Layout No.2209/MP2 / PLG /H/90.

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 2nd respondent to dispose of the representation dated 9.12.2021 made by the petitioner for declaring that only one Plot i.e., Plot No.763, admeasuring 409 Sq. yards exists in the layout of Matrusri Cooperative Housing Building Society vide Layout No.2209/MP2 / PLG /W90 pending disposal of the writ petition.

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 3rd respondent not to make any construction in Plot No.763, 763/1, 763/2/Part, 763/2, 763/3, 763/4, 763/5 & 763/6 situated at Sy.No.54, Hafeezpet Village, Sherilingampalli Mandal, Ranga Reddy District, pending disposal of the writ petition.

Counsel for the Petitioner: SRI V.V.N. NARAYANA RAO

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: SRI Y.RAMA RAO, SC for HMDA

Counsel for the Respondent No.3: None Appeared

The Court made the following: ORDER

THE HONOURABLE SMT.JUSTICE P.MADHAVI DEVI

W.P. No.5776 of 2022

ORDER:

This writ petition has been filed seeking a writ of mandamus declaring the action of the 2nd respondent in not considering the representation dated 09.12.2021 made by the petitioner for declaring that only one Plot bearing No.763, admeasuring 409 square yards exists in the layout of Matrusri Cooperative Housing Building Society vide layout No.2209/MP2/PLG/H/90, as illegal, arbitrary and in violation of Article 14 of the Constitution of India.

2. It is the case of the petitioner that he is the owner of the land, which is adjacent to Plot No.763 in Matrusri Cooperative Housing Building Society. It is his case that some persons are trying to construct houses in his land by claiming the land to be Plot Nos.763/1, 763/2, 763/3, 763/4, 763/5 and 763/6, of Matrusri Cooperative Houseing Building Society layout whereas, according to him, there are no sub divisions of the Plot No.763 of the layout of Matrusri Cooperative Housing Building Society and therefore, the said persons are trying to encroach upon his land with false claims.

3. In view of the same, he has made representation to the 2nd respondent seeking information with regard to the existence of only one Plot with Plot No.763 in the layout of the said Society. The petitioner had also sought information under RTI by making representations. The 2nd respondent had directed the GHMC to

give information which GHMC mentions that since the layout is approved by the HMDA, copies are available with the HMDA only. Thus, the petitioner was not given the information he had sought for. Therefore the petitioner has filed the writ petition before this Court.

4. After going through the material on record, it is deemed fit and proper to direct the 2nd respondent to dispose of the representation of the petitioner dated 09.12.2021 within a period of three weeks from the date of receipt of a copy of this order duly intimating about the existence of Plot No.763 and also whether there exist plots bearing No.763/1 to 763/6 in the Matrusri Cooperative Housing Building Society.

Accordingly, this writ petition is disposed of. No order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Hyderabad Metropolitan Development Authority, Maitrivanam, Ameerpet, Hyderabad.
2. One CC to SRI V.V.N.NARAYANA RAO, Advocate [OPUC]
3. One CC to SRI Y.RAMA RAO, SC for HMDA [OPUC]
4. Two CCs to the GP for Municipal Admn. & Urban Dev., High Court for the State of Telangana. [OUT]
5. Two C.D. Copies.
6. One Spare Copy.

MRC

HIGH COURT

DATED:04/02/2022

ORDER

WP.No.5776 of 2022



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

For 2022