

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

**MONDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 9775 OF 2013

Between:

Smt.V.Annapurna Wife of V.V.V.S.S. Murthy, Housewife, 203, Yesaswy Residency,
Plot No.123, Kalyannagar Phase III, Hyderabad-500 018

...PETITIONER

AND

1. Hyderabad Metropolitan Development Authority, (GHMC Building) 3rd Floor,
West Marredpally, Secunderabad-500 026.
2. Special Officer & Competent Authority, Urban Land Ceiling, Chandra Vihar,
M.J.Market Road, Hyderabad.
3. District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
4. Tahsildar, Rajendranagar Mandal, Rajendranagar, Rangareddy District.
5. Gram Panchayat, Narsingi Village, Rajendranagar Mandal, Ranga Reddy
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, Order or Direction more particularly one in the nature of writ of mandamus declaring the proceedings of the 1st respondent in Letter No.25244/LRS/Plg/HMDA/2008 dated 15-7-2009 as illegal and void and consequently direct the 1st respondent to consider the application of the petitioner for regularisation of Plot No.53 in Sy.No.149 of Narsingi village, Rajendranagar Mandal, Ranga Reddy District.

I.A. NO: 1 OF 2013(WPMP. NO: 12177 OF 2013)

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 respondents not to interfere with the possession of the Petitioner in respect of Plot No.53 in Sy.NO.149 of Narsingi village, Rajendranagar Mandal, Ranga Reddy District pending disposal of the above Writ Petition.

I.A. NO: 1 OF 2014(WPMP. NO: 13004 OF 2014)

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 reopen the above Writ Petition No. 9775 of 2013 an opportunity of hearing to the petitioners herein and decide the writ petition on merits.

Counsel for the Petitioner : SRI K.SITARAM

**Counsel for the Respondent No.1: SRI V.SIDDHARTHA GOUD,
rep., SRI V.NARASIMHA GOUD,
(SC FOR HMDA)**

**Counsel for the Respondent No.2to5 : SMT.VANAJA REDDY, AGP
rep., THE ADVOCATE GENERAL**

SRI VIVEK JAIN, Amicus Curiae.

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO. 9775 OF 2013

ORDER: *(per the Hon'ble Sri Justice J.Sreenivas Rao)*

This writ petition is filed by the petitioner questioning the proceedings issued by respondent No.1 dated 15.07.2009 rejecting the application submitted by the petitioner dated 09.12.2008 seeking regularization of Plot No.53 in Sy.No.149 of Brindavan Colony, Narsingi Village, Rajendranagar Mandal, Ranga Reddy District.

2. No representation on behalf of the petitioner. Heard Sri Vivek Jain, learned *amicus curiae*, Sri V.Siddhartha Goud, learned counsel representing Sri V.Narasimha Goud, learned Standing Counsel for respondent No.1-Hyderabad Metropolitan Development Authority and Smt.Vanaja Reddy, learned Assistant Government Pleader representing the Office of learned Advocate-General, appearing on behalf of respondent Nos.2 to 5.

3. **Brief facts of the case:**

3.1 The claim of the petitioner is that she is owner and possessor of 500 square yards in Plot No.53, Sy.No.149 of Brindavan Colony, Narsingi Village, Rajendranagar Mandal,

Ranga Reddy District and the same was purchased through registered sale deed bearing document No.12625 of 2005 dated 05.12.2005 from its original owner by paying valuable sale consideration and since then she has been in possession and enjoyment of the said property and she had submitted an application *vide* No.LRS/25244/08 dated 09.12.2008 before respondent No.1 by paying requisite amount of Rs.5,000/-, seeking regularization of the subject property. Respondent No.1 without giving any reasons rejected the same on 15.07.2009 on the alleged ground that subject property is surplus land under Urban Land Ceiling.

3.2 It is further case of the petitioner similarly situated persons viz., Sri V.Anjaiah and others submitted application before respondent No.2 for issuance of No Objection Certificate in respect of the property covered by Sy.No.159. Pursuant to the same, respondent No.2 had issued proceedings dated 04.04.2012 stating that plots covered in Sy.Nos.135,137,139, 145, 146, 147, 148, 149, 159, 160 and 161 are falling in other than the surplus land under the Urban Land Ceiling Act, 1976 (for short, 'ULC Act'). Hence, the impugned order dated 15.07.2009 passed by respondent No.1 is contrary to the proceedings issued by respondent No.2.

4. Learned *amicus curiae* contended that respondent No.1 without assigning any reasons passed the impugned order and the same is gross violation of principles of natural justice and also contrary to the proceedings issued by respondent No.2 dated 04.04.2012.

5. Learned counsel appearing on behalf of respondent No.1 submits that respondent No.1 after considering the application submitted by the petitioner rightly rejected the application of the petitioner and passed the impugned order dated 15.07.2009.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner submitted LRS application on 09.12.2008 seeking regularization of the subject plot in Sy.No.149 by paying requisite amount. Respondent No.1 rejected the said application through impugned order dated 15.07.2009 without assigning any reasons simply stating that the subject property is a surplus land under ULC Act.

7. It is relevant to place on record that the Hon'ble Supreme Court in **S.N.Mukherjee vs. Union of India**¹, held that administrative action must be supported by reasons and the

¹ 2990(4) SCC 594

reasons must be recorded except in cases where the requirement has been dispensed with expressly or by necessary implications.

8. It is pertinent to mention here that respondent No.2 issued proceedings dated 04.04.2012, wherein it is stated that the plots covered in Sy.Nos.135,137,139, 145, 146, 147, 148, 149, 159, 160 and 161 are falling in other than the surplus land. It appears that the proceedings dated 04.04.2012 issued by respondent No.2 are subsequent to the impugned order dated 15.07.2009.

9. Hence, this Court is of the considered view that respondent No.1 passed impugned order without assigning reasons and the same is liable to be set aside and the matter is required for reconsideration afresh by respondent No.1.

10. For the foregoing reasons, the impugned order dated 15.07.2009 passed by respondent No.1 is set aside and respondent no.1 is directed to consider the application submitted by the petitioner dated 09.12.2008 seeking regularization of the subject plot afresh and pass appropriate orders, in accordance with law after giving notice and opportunity to the petitioner including personal hearing within a period of two (2) months from the date of receipt of a copy of this order. It is needless to observe

that the petitioner is entitled to submit the documents, if any, in support of her claim during the course of enquiry before respondent No.1 including the benefit of proceedings dated 04.04.2012.

11. With the above direction, the Writ Petition is disposed of. No order as to costs.

12. This Court is appreciating for the able assistance rendered by Mr.Vivek Jain, learned *Amicus Curie*,

As a sequel, pending miscellaneous applications, if any, shall stand closed.

**SD/- P. CH. NAGABHUSHAMBA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

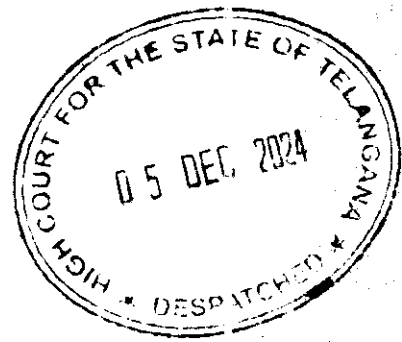
1. The Hyderabad Metropolitan Development Authority, (GHMC Building) 3rd Floor, West Marredpally, Secunderabad-500 026.
2. The Special Officer & Competent Authority, Urban Land Ceiling, Chandra Vihar, M.J. Market Road, Hyderabad.
3. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
4. The Tahsildar, Rajendranagar Mandal, Rajendranagar, Rangareddy District.
5. The Gram Panchayat, Narsingi Village, Rajendranagar Mandal, Ranga Reddy District.
6. One CC to SRI K.SITARAM, Advocate. [OPUC]
7. One CC to SRI V.NARASIMHA GOUD, (SC FOR HMDA). [OPUC]
8. Two CCs to THE ADVOCATE GENERAL, High Court for the State of Telangana at Hyderabad. [OUT]
9. Sri Vivek Jain, Amicus Curiae.
10. Two CD Copies.

BSK

LS K.S.

HIGH COURT

DATED:30/09/2024



ORDER

WP.No.9775 of 2013

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

*13 Copies
[Signature]
13/11/24.*