

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

**TUESDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 27258 OF 2024

Between:

1. M. Girija Shankar, S/o Late Sri M.A. Satyanarayana Murthy, Aged about 60 Years, Occ. IAS (Retd.), R/o Flat No. 101, 1st Floor, Lily Block, Nectar Garden, Madhapur Village, Serilingampally Mandal, Ranga Reddy District.
2. Tirumalasetty Vallabha Rao, S/o Late Sri T. Raghava Rao Naidu, Aged about 73 Years, Occ. Self-Employed, R/o 306, 3' Floor, Lily Block, Nectar Garden, Madhapur Village, Serilingampally Mandal, Ranga Reddy District.
3. Smt. Kamireddy Kanaka Durga, W/o Sri Padam Ravi Prakash Naidu, Aged about 54 Years, Occ. Govt. Employee, R/o Flat N506, 5th Floor, Lily Block, Nectar Garden, Madhapur. illage, Serilingampally Mandal, Ranga Reddy District.
4. R. Rajkumar, S/o Sri R. Dakshina Murthy, Aged about 55 Years, Occ. Private Service, R/o House No. 4, Daffodils Block, Nectar Garden, Madhapur Village, Serilingampally Mandal, Ranga Reddy District.
5. Ms. Eluru Kavya Sudha, D/o Sri E.R.S. Reddy, Aged about 32 Years, Occ. Private Employee, R/o Flat No. 401, 4th Floor, Jasmine Block, Nectar Garden, Madhapur Village, Serilingampally Mandal, Ranga Reddy District.
6. Smt. Aparajitha Bhattacharya, W/o Sri Sutirtha Bhattacharya, Aged about 60 Years, Occ. Business, R/o Flat No. 502, 5th Floor, Jasmine Block, Nectar Garden, Madhapur Village, Serilingampally Mandal, Ranga Reddy District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. Principal Secretary, Irrigation and C.A.D. Department, Secretariat, Hyderabad.
3. The District Collector, Ranga Reddy District, Kongarakalan.
4. The Revenue Divisional Officer, Rajendranagar Division, Rajendranagar.
5. The Executive Engineer, North Tanks Division, Irrigation and C.A.D. Department, Budha Bhavan, Ranigunj, Secunderabad.
6. The Deputy Collector and Tahsildar, Serilingampally Mandal, Ranga Reddy District.
7. The Hyderabad Metropolitan Development Authority (HMDA), Rep. by its Commissioner, Maitrivanam, Ameerpet, Hyderabad.
8. The Superintending Engineer, Lakes, Hyderabad Metropolitan Development Authority, Maitrivanam, Ameerpet, Hyderabad.

9. The Greater Hyderabad Municipal Corporation (GHMC), Rep. by its Commissioner, Tank Bund Road, Hyderabad.
10. The Hyderabad Metro Water Supply and Sewerage Board (HMWSSB), Rep. by its Managing Director, Khairatabad, Hyderabad.

...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 Mandamus declaring the action of the Respondents in treating the Full Tank Level/water spread area of the Durgam Cheruvu tank to be more than Acres 160, as opposed to the original extent of Acres 65.12 Guntas, as per the original engineering standards of the said tank shown in the official Descriptive Memoirs of the Irrigation Department, thereby affecting the Petitioners' private property covered by the Nectar Garden layout, Sy. Nos. 55 to 59 of Madhapur Village, Serilingampally Mandal, Ranga Reddy District, as illegal, arbitrary, wholly without jurisdiction, contrary to the principles of natural justice, violative of the provisions of the A.P. Survey and Boundaries Act, 1923 (now the Telangana Act), contrary to the safeguards provided in Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the Respondents to adhere to the extent of Full Tank Level/water spread area of the said tank as Acres 65.12 Guntas and further direct the Respondents not to interfere in any manner whatsoever with the Petitioners' peaceful possession of the said private property.

IA NO: 1 OF 2024

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 in any manner, whatsoever with the Petitioner's peaceful possession and enjoyment of their property covered by Nectar Garden layout Sy. Nos. 55 to 59 of Mandapur Village, Serilingampally Mandal, Ranga Reddy District, pending disposal of the writ petition.

Counsel for the Petitioners: SRI P.ROY REDDY

**Counsel for the Respondent Nos.1 TO 6: SRI POTTIGARI SRIDHAR REDDY,
SPL. GP FOR ADVOCATE GENERAL**

**Counsel for the Respondent Nos.7 & 8: M/s. T.V.SUDHA FOR
SRI V.NARASIMHA GOUD, SC FOR HMDA**

**Counsel for the Respondent No.9: M/s. SARWATH MEHDI KHAN FOR
SRI M.A.K. MUKHEED, SC FOR GHMC**

**Counsel for the Respondent No.10: SRI G.NARENDER REDDY, SC FOR
HMWSSB**

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.27258 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. P.Roy Reddy, learned counsel for the petitioners.

Mr. Pottigari Sridhar Reddy, learned Special Government Pleader attached to the office of the learned advocate General for the State of Telangana appears for respondents No.1 to 1 to 6.

Ms. T.V.Sudha, learned counsel representing Mr. V.Narasimha Goud, learned Standing Counsel for Hyderabad Metropolitan Development Authority (HMDA) appears for respondent No.7 and 8.

Ms. Sarwath Mehdi Khan, learned counsel representing Mr. M.A.K.Mukneed, learned Standing Counsel for Greater Hyderabad Municipal Corporation (GHMC) appears for respondent No.9.

Mr. G.Narender Reddy, learned counsel for respondent No.10.

2. In this writ petition, the petitioners have questioned the action of the respondents in treating the Full Tank Level (FTL)/water spread area of Durgam Cheruvu tank to be more than Acs.160.00 as opposed to the original extent of Acs.65.12 guntas as per the original engineering standards of the said tank shown in the official descriptive memoirs of the Irrigation Department.

3. Facts giving rise to filing of this writ petition briefly stated are that the petitioners are residents of the area, which is situated in and around Durgam Cheruvu tank. According to the petitioners, Hyderabad Metropolitan Development Authority (HMDA) issued a preliminary notification dated 07.06.2014 notifying the FTL of several tanks including Durgam Cheruvu and invited objections upto 15.07.2014.

4. It is the case of the petitioners that they have submitted objections in pursuance of the aforesaid preliminary notification. However, the aforesaid objections have not been considered till today by the Lake Protection Committee and FTL has not been notified. In the aforesaid factual background, the following relief has been sought in the present writ petition:

“For the reasons stated in the accompanying Affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the action of the Respondents in treating the Full Tank Level/water spread area of the Durgam Cheruvu tank to be more than Acres 160, as opposed to the original extent of Acres 65.12 Guntas, as per the original engineering standards of the said tank shown in the official “Descriptive Memoirs” of the Irrigation Department, thereby affecting the Petitioner's private property covered by Nectar Garden layout, Sy.Nos.55 to 59 of Madhapur

Village, Serilingampally Mandal, Ranga Reddy District as illegal, arbitrary, wholly without jurisdiction, contrary to the principles of natural justice, violative of the provisions of the A.P. Survey and Boundaries Act, 1923 (now the Telangana Act), contrary to the safeguards provided in Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the Respondents to adhere to the extent of Full Tank Level/water spread area of the said tank as Acres 65.12 Guntas and further direct the Respondents not to interfere in any manner whatsoever with the Petitioner's peaceful possession of the said private property and pass such other order/s as this Hon'ble Court may deem fit and proper in the circumstances of the case."

5. Learned counsel for the petitioners fairly submit that the FTL of the Durgam Cheruvu tank has to be considered and determined by the Lake Protection Committee after considering the objections preferred by the petitioners. It is further submitted that the petitioners have preferred objections in pursuance of the aforesaid preliminary notification

dated 07.06.2014 within the prescribed time limit therein i.e., on or before 15th July, 2014, and the Lake Protection Committee be directed to afford the petitioners an opportunity of personal hearing and thereafter, to determine the FTL of Durgam Cheruvu.

6. Learned Special Government Pleader has submitted that the Lake Protection Committee shall consider the objections preferred by the petitioners and shall notify the FTL of Durgam Cheruvu lake within such time limit as may be fixed by this Court.

7. Learned counsel for the parties jointly submit that this issue has been considered by this Court in similar writ petitions *viz.*, W.P.No.25702 of 2024 and batch, which were disposed of on 23.09.2024.

8. In view of the same, this writ petition is disposed with the following directions:

i) The petitioners may supply a copy of the objections, which were furnished by them on 14.07.2014, before the Lake Protection Committee within a period of one week from today. It shall be open for the petitioners to furnish the public documents in support of their objections already filed.

ii) As agreed by the learned counsel for the parties, the petitioners undertake to appear before the Lake Protection Committee on 04.10.2024 at 11:00 am.

iii) Thereupon, the Lake Protection Committee shall hear the petitioners and shall decide the objections filed by the petitioners by a speaking order.

iv) Thereafter, the Lake Protection Committee shall issue a notification notifying the FTL of Durgam Cheruvu.

9. The aforesaid exercise shall be completed within a period of six weeks from the date of appearance of the petitioners before the Lake Protection Committee.

10. The learned Special Government Pleader submits that till the aforesaid exercise is carried out, no action shall be taken for demolition of the construction raised by the petitioners. The same is placed on record.

11. It is clarified that this Court has not expressed any opinion with regard to the merits of the matter, as the same has to be adjudicated by the Lake Protection Committee.

12. With the aforesaid directions, the Writ Petition is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/-T. JAYASREE
ASSISTANT REGISTRAR

SECTION OFFICER

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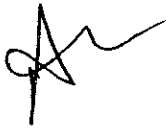
1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad, State of Telangana.
2. Principal Secretary, Irrigation and C.A.D. Department, Secretariat, Hyderabad.
3. The District Collector, Ranga Reddy District, Kongarakalan.
4. The Revenue Divisional Officer, Rajendranagar Division, Rajendranagar.
5. The Executive Engineer, North Tanks Division, Irrigation and C.A.D. Department, Budha Bhavan, Ranigunj, Secunderabad.
6. The Deputy Collector and Tahsildar, Serilingampally Mandal, Ranga Reddy District.
7. The Commissioner, Hyderabad Metropolitan Development Authority (HMDA), Maitriyanam, Ameerpet, Hyderabad.
8. The Superintending Engineer, Lakes, Hyderabad Metropolitan Development Authority, Maitriyanam, Ameerpet, Hyderabad.

Carry

9. The Commissioner, Greater Hyderabad Municipal Corporation (GHMC), Tank Bund Road, Hyderabad.
10. The Managing Director, Hyderabad Metro Water Supply and Sewerage Board (HMWSSB), Khairatabad, Hyderabad.
11. One CC to SRI P.ROY REDDY, Advocate [OPUC]
12. Two CCs to ADVOCATE GENERAL, High Court for the State of Telangana, at Hyderabad. [OUT]
13. One CC to SRI V.NARASIMHA GOUD, SC FOR HMDA [OPUC]
14. One CC to SRI M.A.K. MUKHEED, SC FOR GHMC [OPUC]
15. One CC to SRI G.NARENDER REDDY, SC FOR HMWSSB [OPUC]
16. One CC to SRI POTTIGARI SRIDHAR REDDY, SPL. GP [OPUC]
17. Two CD Copies

PSK.

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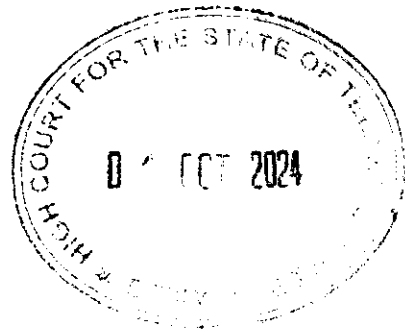


CC TODAY

HIGH COURT

HC,J
&
JSR,J

DATED:01/10/2024



ORDER

WP.No.27258 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

20
KMS
01/10/2024