

**IN THE HIGH COURT OF TELANGANA AT HYDERABAD**

**W.P.NO.33974 OF 2023**

**AND**

**W.P.NO.4832 OF 2023**

**W.P.NO.33974 OF 2023**

**Between:**

Smt B.Lalitha Devi and another

... Petitioners

And

The Union of India,

Director General Defence Estates and others

... Respondents

**W.P.NO.4832 OF 2023**

**Between:**

Maruti Nagar Residents Welfare Association

... Petitioner

And

The Secunderabad Cantonment Board

... Respondent

**JUDGMENT PRONOUNCED ON: 18.03.2024**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

- 1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgment?**
- 2. Whether the copies of judgment may be : Yes  
marked to Law Reporters/Journals?**
- 3. Whether Their Lordships wish to : Yes  
see the fair copy of the Judgment?**

**\_\_\_\_\_  
SUREPALLI NANDA, J**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

**W.P.NO.33974 OF 2023**

**AND**

**W.P.NO.4832 OF 2023**

**% 18.03.2024**

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**< Gist:**

**Head Note:**

**W.P.NO.33974 OF 2023**

!Counsel for the Petitioner: Mr Vijay B.Paropakari

^ Standing counsel for R.1 to R.3: Mr K.R.Koteswera Rao

^Counsel for respondent No.4: R.Dheeraj Singh

**W.P.NO.4832 OF 2023**

Counsel for the petitioner: Mr R.Dheeraj Singh

Standing Counsel for Respondent : Mr K.R.Koteswera Rao

**? Cases Referred:**

**HON'BLE MRS JUSTICE SUREPALLI NANDA**

**W.P.NO.33974 OF 2023**

**AND**

**W.P.NO.4832 OF 2023**

**COMMON ORDER:**

**W.P.NO.33974 OF 2023**

Respondent No.4 in W.P.No.33974 of 2023 is petitioner in W.P.No.4832 of 2023. Respondent No.3 in W.P.No.33974 of 2023 is respondent in W.P.No.4832 of 2023

2. Heard Mr Vijay B.Paropkari, learned counsel appearing on behalf of the petitioners and Mr K.R. Koteswar Rao, learned standing counsel appearing on behalf of the respondents 1 to 3 and Mr R.Dheraj Singh, learned counsel appearing on behalf of the 4<sup>th</sup> respondent.

**3. The petitioners, Smt B.Lalitha Devi, Resident of Nizamabad District and Thalla Rahul, R/o Bowenapally, Secunderabad, approached the Court by filing the writ petition No.33974 of 2023 seeking prayer as under:**

“...to issue a Writ, direction or orders, more particularly a Writ in the nature of mandamus, declaring the action of the respondents more particularly that of the respondent No 3 in informing petitioners that final building plan over the subject plot cannot be released until the case in W.P.No. 4832 of 2023 is over in spite of the fact is over in

spite of the fact that permission was accorded to the petitioner No.1 on 28.10.2023 as intimated petitioners vide letter No.SCB/EB/PlotNo.41 /PADMANABHACHS/387/996 /SRPURAM dated 14.11.2023 is challenged in this writ petition, as being arbitrary, illegal and violative of Articles 14, 19 (1) (g), 21 and 300-A of the Constitution of India and consequently direct the respondent to issue plinth checking certificate to enable the petitioner No.2 to proceed with further construction over Plot No.41 over which permission is accorded to G plus 2 and pass..."

**W.P.NO.4832 OF 2023**

**4. Heard Mr R.Dheeraj Singh, learned counsel appearing on behalf of the petitioner and Mr K.R. Koteswar Rao, learned standing counsel appearing on behalf of the respondent.**

**5. The petitioner, Maruthinagar Residents Welfare Association, Maruthinagar, Old Bowenapally, Secunderabad, approached the Court by filing the writ petition No.4832 of 2023 seeking prayer as under:**

"to issue a writ in the nature of a writ of Mandamus or any other appropriate writ, direction, order or orders declaring the inaction of the Respondent in not taking action on the encroachments and highhanded illegal constructions being carried out against to the approved layout vide CBR No.2(26) dt.09.08.1988 and the confirmed by the Directorate Defence Estates, Southern Command, Pune letter no. 304/NCA/ PADNABHA/CHS/B/DE dt.29.01.1989 in the park land and thereby illegal converting the open space provided for overhead water tank abetting to the Plot No. 1 and proposed road towards north at Sy.Nos.6, 8 and 9 of Maruthi Nagar Colony, Old Bowenapally, Secunderabad, is illegal and void and against to the

provisions of the Cantonments Act, 2006 and consequently direct the Respondent to restore the park land and the space provided for overhead water tank abetting to the Plot No. 1 and proposed road towards north as per the approved layout vide CBR.No.2(26) dt.09.08.1988 and confirmed by the Directorate Defence Estates, Southern Command, Pune letter no.304/NCA/ PADNABHA/CHS/B/DE dt.29.01.1989 in the interest of justice."

## **6. PERUSED THE RECORD**

### **A) The impugned letter dated 14.11.2023 issued by the 3<sup>rd</sup> respondent herein reads as under:**

"In the above said subject, it is to inform that this office has received several complaints from the Marutinagar residents welfare Association regarding encroachment on Park land and moreover there is a Court case filed by the Welfare Association in W.P. No.4832 of 2023 which is pending for adjudication.

Hence, the final building plan cannot be released until the Court case is disposed. It is to inform that no further construction of the subject site is allowed any deviation in the matter shall be dealt according to the Cantonments Act, 2006.

### **B) Counter affidavit filed by respondent No.4, and the relevant paragraph Nos.7 and 10, reads as under:**

"7. In reply to para No. 8, **the Respondent No. 3 has rightly withheld from releasing the final building plan over Plot No.41 subject to outcome of W.P.No.4832 of 2023 filed by us. The Petitioner who**

**concealed the important material before this Hon'ble Court with respect to approval from the Defense Estates, Ministry of Defense (Southern Command Pune Head Quarters) on the layout relied by them, cannot expect this Hon'ble Court to approve illegal construction.** In case further construction is permitted, number of other illegal purchasers from the illegal layout will also seek parity with the Petitioner.

10. It is to submit that the Respondent No.3 finally gave reply vide Lr.No.SCB/EB/3/34 dt.04-10-2022, without answering material points and initiating action of illegal encroachments and conversion of park into plot No.41 to the complaint Dt.30-09-2022. And for the first time, it has come to our knowledge through the reply notice issued by the Respondent No.3 dt.04.10.2022, wherein they have admitted to have approved a revised lay-out vide CBR No.2(11) dated 12.06.1989, but they are silent with respect to the confirmation of the revised lay-out from the Director of Defense Estates, Ministry of Defense (Southern Command, Pune Head Quarters), which is mandatory as otherwise, the revised lay-out deems null and void and cannot be enforced. **Further, it is their own case that the as per the revised lay-out, the park area is shown as Plot No.41 and the area of Plot No.01 and 04 in the revised layout is reduced and as per their survey based on our representation, they noticed Plot No.01 and 41 are encroached and there is no park land vacant as per the revised layout."**

**C) Letter issued by the Cantonment Board dated 4<sup>th</sup>**

**October, 2022, reads as under:**

Reference, your letters dated 01.07.2022 and 30.09.2022 received vide this office dated 01.07.2022 and 30.09.2022.

2. It is to inform that vide the letter cited under reference you have requested for restoration of park area in Maruthi Nagar Colony, Old Bowenpally, Secunderabad. Upon receipt of the letter, the concern area engineer has inspected that site and the following observations were noticed:

(i). The proposed layout of Padmanabha CHS (Maruthi Nagar) is initially sanctioned by the Secunderabad Cantonment Board vide CBR No.3(26) dated 09.08.1988. Subsequently, the Directorate Defence Estates, Southern Command Pune, vide their office letter No.304/NCA/PADNABHA/CHS/B/DE, dated 29.01.1989, has approved the initial proposed layout.

(ii). Further, the said layout has been revised vide CBR No.2(11) dated 12.06.1989.

(iii) As per the revised layout the portion of land which is shown earlier as park in the proposed layout has been shown as Plot No.41 admeasuring 233 sq. yards. The area of Plot No.01 in the revised layout is reduced to 266 sq. yds. from 444 sq. yds. to that of the initially proposed layout. Similarly, the area of Plot No.4 in the revised layout is reduced to 266 sq. yds. from 321 sq. yds. Thus, adjusting the difference of reduced plot size of Plot No.1 and Plot No.4 to the park area and forming Plot No.41.

(iv) In this regard, it is pertinent to mention the fact that the building permission for Plot No.1 admeasuring 266 Sq. Yds. Was sanctioned by the Secunderabad Cantonment Board vide CBR No. 3(1-33), dated 11.03.1996. Similarly, building permission for Plot No.4 admeasuring 266 Sq. Yds. Was sanctioned by the Secunderabad Cantonment Board vide CBR No.2(1-3), dated 07.08.1990. It may also be noted that the plot

No.41, in the said layout is also sanctioned by the Secunderabad Cantonment Board vide CBR No.3(12), dated 07.04.2022 admeasuring 233 Sq. Yds.

3. Based on your representation this office has further conducted a survey and the following observations were noticed in respect of encroachment on park land as per the revised layout:

(i) As per the revised layout the park land is situated at two locations in the layout plan, i.e. one adjacent to plot No.41 and the other adjacent to plot No.1.

(ii) The park land adjacent to Plot No.41 is encroached by three different plot owners i.e. Shri M Mahender Yadav (Plot No.M), Shri M Maniah (Plot No.N) and Shri Ilyas Sohaib (Plot No.O).

(iii). Similarly, the park land adjacent to Plot No. 1 in the revised layout is now encroached by way of constructing apartment in the name of Maruti Apartments (Sumitra Builders),

**(iv). Thus, from the above findings it may be noted that there is no park land vacant as per the revised layout.**

**4. The present sanction accorded to plot No.41 is as per the revised layout of the Cantonment Board and the area for which the building plan permission is accorded is not forming the part of the park area as per the revised layout."**

**D) Counter affidavit filed by respondent No.3 in W.P.No.33974 of 2023 and the relevant paragraph Nos.4, 5, 6, and 7, read as under:**

"4. As a reply to allegations in the Affidavit, the answering Respondent No.3 most humbly submits that, the Respondent No.3 had initially accorded sanction of layout in the name of (Maruthi Nagar) Padmanabha Co-op. Housing Society Limited in Sy.Nos.6, 8 and 9/part at



Sitarampur Village, Secunderabad Cantonment vide CBR No.3(26) dated 09.08.1988 and the same was confirmed by the Director, Defence Estates, Ministry of Defence, Southern Command, vide their letter dated 29.01.1989, accordingly made house plots from 1 to 40 and park areas as shown in the said layout, more precisely, in the said layout, besides Plot Nos.3 & 4 and internal 30 feet road, a triangle piece of land is shown as park area of the said layout and besides Plot No.1, a small piece of land is earmarked for water tank.

5. I further humbly submit that, the said layout has been revised vide CBR No.2(11) dated 12.06.1989. As per the Revised Layout, the portion of the land which is shown earlier as a park in the original layout has been shown as Plot No.41 Adm. 233 Sq. Yds. The area of Plot No.1 in the revised layout is reduced to 266 Sq. Yds. from 444 Sq.Yds. to that of initially proposed layout. Similarly, the area of Plot No.4 in the revised layout is reduced to 266 Sq. Yds. from 321 Sq. Yds. out of original layout, thus adjusting the difference of reduced plot size of Plot No. 1 and Plot No.4 to the park area for forming Plot No.41. As per the revised layout, the park land and open space are situated at two locations in the layout plan i.e., one, adjacent Plot No.41 and the other adjacent to Plot No. 1.

6. I further humbly submit that, the park land adjacent to Plot No.41 was encroached by three different persons i.e., M. Maniah, M. Mahendra Yadav and Ilyas Sohaib. Similarly, open space earmarked for water tank situated adjacent to Plot No.1 in the revised layout was also encroached by way of construction of an apartment in the name of Maruthi Apartments by Sumitra Builders. Upon noticing the above said encroachments, the then Chief Executive Officer in the capacity as an Estate Officer had issued Notices under Sub-Section 1 and Clause (b)(ii) of Sub-Section 2 of Section 4 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971, to those individuals vide Notices dated 09.11.2022 for their eviction and the enquiries are going on. These Notices are filed as Documents No.1, 2 & 3.

7. I further humbly submit that, pursuant to revised layout, the Respondent Board had accorded sanction on Plot No.41 in favour of Smt. B. Lalitha Devi for construction of a residential building comprising Ground, First and Second Floors. The sanction accorded in favour of Petitioner No.1 vide CBR No.3(12) dated 07.04.2022 for plinth construction. The said sanction is only a municipal permission and it does not create any title on the subject plot. Afterwards, the Petitioner No.1 addressed a letter to the Chief Executive Officer and requested for inspection of plinth level construction to release the next stage of the sanctioned plan. In response to the same, I had addressed a letter dated 14.11.2023 to Petitioner No.1 stating that the Respondent No.4 had filed a Writ Petition in W.P.No.4382 of 2023 regarding encroachment on park land and the said Writ Petition is pending adjudication, hence the final building plan cannot be released until the Court case is disposed. Being aggrieved by the said letter, the Petitioners filed the above said Writ Petition."

**E) Counter affidavit filed by the respondent/  
Cantonment Board in W.P.No.4832 of 2023, and in  
particular, Paras 4, 5, 6 and 7, reads as under:**

4. I humbly submit that, the respondent herein initially accorded sanction of layout in the name of (Maruthi Nagar) Padmanabha Co-op. Housing Society Limited in Sy.No.6, 8 & 9/part at Sitarampur Village, Secunderabad Cantonment vide CBR No.3(26) dated 09.08.1988 and the same was confirmed by the Director, Defence Estates, Ministry of Defence, Southern Command, vide their letter dated 29.01.1989, accordingly made house plots from 1 to 40 and park areas as shown in the said layout, more precisely, in the said layout, besides Plot Nos.3 & 4 and internal 30 feet road, a triangle piece of land is shown as park area of the said layout and besides Plot No. 1, a small piece of land is earmarked for water tank.

5. I further humbly submit that, the said layout has been revised vide CBR No.2(11) dated 12.06.1989. As per the Revised Layout, the portion of the land which is shown

earlier as a park in the original layout has been shown as Plot No.41 Adm. 233 Sq. Yds. The area of Plot No.01 in the revised layout is reduced to 266 SqYds. from 444 Sq. yards, to that of initially proposed layout. Similarly, the area of Plot No.4 in the revised layout is reduced to 266 sq.Yds. from 321 sq. yards out of original layout, thus adjusting the difference of reduced plot size of Plot No.1 and Plot No.4 to the park area for forming Plot No.41. As per the revised layout, the park land and open space are situated at two locations in the layout plan i.e., one, adjacent Plot No.41 and the other adjacent to Plot No.1.

6. I further humbly submit that, the park land adjacent to Plot No.41 was encroached by three different persons i.e., M. Manaiah, M. Mahendra Yadav and Ilyas Sohaib. Similarly, open space earmarked for water tank situated adjacent to Plot No.1 in the revised layout was also encroached by way of construction of an apartment in the name of Maruthi Apartments by Sumitra Builders. Upon noticing the above said encroachments, the then Chief Executive Officer in the capacity as an Estate Officer had issued Notices under Sub-Section 1 and Clause (b)(ii) of Sub-Section 2 of Section 4 of Public Premises (Eviction of Unauthorized Occupants) Act 1971 to those individuals vide Notices dated 09.11.2022 for their eviction and the enquiries are going on. These Notices are filed as Documents No.1, 2 & 3.

**7. I further humbly submit that, pursuant to revised layout, the Respondent Board had accorded sanction on Plot No.41 in favour of Smt.B. Lalitha Devi for construction of a residential building comprising Ground, First and Second Floors. The sanction accorded in favour of Smt. B. Lalitha Devi vide CBR No.3(12) dated 07.04.2022 for plinth construction. The said sanction is only a municipal permission and it does not create any title on the subject plot. Afterwards, Smt. B. Lalitha Devi addressed a letter to the Chief Executive Officer and requested for inspection of plinth level construction to release the next stage of the sanctioned plan. In response to the same, I had addressed a letter dated 14.11.2023 to Smt. B.Lalitha Devi stating that the writ petitioner herein has filed the present Writ Petition regarding**

**encroachment on park land and the said Writ Petition is pending adjudication, hence the final building plan cannot be released until the Court case is disposed.** Being aggrieved by the said letter, Smt. B. Lalitha Devi filed a Writ Petition against the Writ Petitioner herein and the Secunderabad Cantonment Board and others, and the said Writ Petition is pending for adjudication.

7. **The case of the petitioners, in brief, in W.P.No.33974 of 2023 as per the averments made in the affidavit filed in support of the present writ petition is as under:**

a) The 1<sup>st</sup> petitioner purchased the subject property Plot No.41 situated at Padmanabha Cooperative Housing Society, Sitharampur, Secunderabad Cantonment, Telangana. Vide registered sale deed 25.06.1996 vide document No.941/1996, but, however, due to paucity of funds the petitioner was constrained to sell the subject property to the 2<sup>nd</sup> petitioner under a registered sale deed dated 02.06.2022. The 1<sup>st</sup> petitioner prior to the said sale itself had applied for construction permission on 20.10.2021 vide application No.8412 and after collecting necessary charges from the 1<sup>st</sup> petitioner, the 3<sup>rd</sup> respondent accorded permission on 28<sup>th</sup> October, 2022 duly sanctioning Plinth Building Plan for construction of residential building (ground, 1<sup>st</sup> and 2<sup>nd</sup> floor) on Plot

No.41 in Survey Nos.6, 8 and 9/part in Padmanabha CHS Limited, Sitharampuram Village, Maruthinagar, Secunderabad Cantonment, and as per the said plan the petitioner was directed to complete the construction upto plinth level within a period of three months from the date of permission.

b) The 2<sup>nd</sup> petitioner vide letter dated 03.03.2023 requested the 3<sup>rd</sup> respondent to inspect the property and issue plinth checking certificate and to the shock of the petitioner the 3<sup>rd</sup> respondent issued the impugned letter dated 14.11.2023 informing the 1<sup>st</sup> petitioner that the Secunderabad Cantonment Board office received certain complaints from the Maruthinagar Residents Welfare Association regarding encroachment on park land and that a Court case is filed by Maruthinagar Residents Welfare Association in W.P.No.4832 of 2023 which is pending for adjudication and hence, the final building plan cannot be released until the Court case is disposed and further the petitioner is informed that the petitioner cannot proceed for any further construction of the subject site and any deviation in the matter would be dealt according to the Cantonment Act, 2006. Aggrieved by the same, the

petitioner filed the present writ petition No.33974 of 2023.

8. The case of the petitioner in W.P.No.4832 of 2023, in brief, as per the averments made in the affidavit filed in support of W.P.No.4832 of 2023, reads as under:

a) The Padmanabha Housing Society Limited (TA No.373) obtained approved layout from the Respondent vide CBR No.3 (26) dated 09.08.1988 over the land in Sy.No.6, 8 and 9 situated at Sitarampoor Village, Secunderabad. Subsequently, the Directorate Defence Estate, Southern Command, Pune, vide Letter No.304/NCA/Padmanabha/CHS/B/DE, dated 29.01.1989 has approved the same. Accordingly, they made house Plots i.e., Plot Nos.1 to 40 and the park areas was also shown in the said layout and the same is named as "Maruthi Nagar".

b) It is further the case of the Petitioner that the Padmanabha Housing Society started selling the plots to the prospective purchasers and in short time the plots were sold and most of the plot owners have constructed the houses after taking due permissions from the

Respondent and also formed Welfare Association in the name of Maruthinagar Welfare Association, to resolve any common issues. Whiles, the Padmanabha Housing Society Limited had obtained revised layout vide CBR No.2(11), dated 12.06.1989 without Petitioner's knowledge and consent. It is the specific grievance of the Petitioner that the impugned revised layout is approved by the Respondent clandestinely showing park area as Plot No.41 which is against to the norms of the layout rules due to which the entire lung space and recreation park area was converted into additional plot No.41 and hence the revised layout is illegal, unauthorised and amounts to depriving the rights of plot owners enjoyment of the park area. The petitioner gave a detailed complaint dated 08.04.2021 and reminders dated 02.06.2022, 01.07.2022 and 30.09.2022 bringing it to the notice of the Secunderabad Cantonment Board, the encroachment of park and conversion of space for overhead water tank abutting to plot No.1 and proposed road towards North and in response to the said complaints the Petitioner received a reply dated 04.10.2022 informing the Petitioner that the Respondent Secunderabad Cantonment

Board approved a revised layout vide CBR No.2 (11) dated 12.06.1989, but Secunderabad Cantonment Board, however, is silent with respect to the confirmation of the revised lay out from the Director of Defence Estates, Ministry of Defense (Southern Command), Pune Head Quarters, which is mandatory. It is further the case of the petitioner that the action of the respondent in permitting the encroachers to proceed with the construction effects the Fundamental Rights of enjoyment of lung space to the residents due to rise of illegal buildings. Aggrieved by the same, the petitioner filed the present writ petition.

#### **DISCUSSION AND CONCLUSION**

9. A bare perusal of the letter dated 04.10.2022 vide letter No.SCB/EB/3134 of the Secunderabad Cantonment Board (referred to and extracted above) addressed to the petitioner in W.P.No.4832 of 2023, in response to the letters/representations dated 01.07.2022 and 30.09.2022, addressed to the Secunderabad Cantonment Board, by the petitioner in W.P.No.4832 of 2023, clearly indicate that on conduct of survey in pursuance to the said representations the following observations were noticed



**in respect of encroachment on park land as per the revised lay out:**

- i) As per the revised layout the park land is situated at Two locations in the lay out plan, i.e. one adjacent to Plot No.41 and the other adjacent to Plot No.1.
- ii) The park land adjacent to Plot No.41 is encroached by three different plot owners i.e. Shri M.Mahender Yadav (Plot No.M) Shri M.Maniah (Plot No.N) and Shri Ilyas Sohaib (Plot No.O).
- iii) Similarly, the park land adjacent to Plot No.1 in the revised layout is now encroached by way of constructing apartment in the name of Maruti Apartments (Sumitra Builders).
- iv) Thus, from the above findings it may be noted that there is no part land vacant as per the revised lay out.

**4. The present sanction accorded to Plot No.41 is as per the revised layout of the Cantonment Board and the area for which the building plan permission is accorded is not forming the part of the park area as per the revised layout.**

10. This Court takes note of the fact that the letter of the petitioner referred to in W.P.No.33974 of 2023, dated 03.03.2023 addressed to the 3<sup>rd</sup> respondent to inspect the subject property and issue plinth checking certificate has been kept pending on the ground that a Court case filed by the Welfare Association in W.P.No.4832 of 2023 is pending for adjudication. A bare perusal of the contents of the letter dated 04.10.2022 issued by the Secunderabad Cantonment Board to the petitioner in W.P.No.4832 of 2023 in response to its letters dated

01.07.2022 and 30.09.2022 addressed to the Cantonment Board clearly indicates the fact of encroachment of park land adjacent to Plot No.41 and also the park land adjacent to Plot No.1 in the revised layout and the counter affidavit filed by the respondent in W.P.No.4832 of 2023 in particular, at para 6 of the said counter affidavit indicates initiation of action by the Secunderabad Cantonment Board under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 against the said encroachers and also it is evident from the record as per the contents in the letter dated 04.10.2022 that the sanction accorded to Plot No.41 in favour of the petitioner in W.P.No.3397 of 2023 vide letter of the Cantonment Board dated 28.10.2022 is as per the revised layout of the Cantonment Board and the area of which the building plan permission is accorded is not forming the part of the park area as per the revised layout.

11. Taking into consideration the aforesaid facts and circumstances of the case and also the averments made in the counter affidavit filed by Secunderabad Cantonment Board in W.P.No.4832 of 2023 and the averments made in Counter affidavit filed by respondent No.3 in

W.P.No.33974 of 2023 (referred to and extracted above) and the contents of letter dated 14.11.2023 issued to the petitioner in W.P.No.33974 of 2023 informing the petitioner not to proceed for further construction on the petitioners' subject site and further that the final building plan cannot be released to the petitioner until W.P.No.4832 of 2023 is adjudicated finally, this Court opines that to put a quietus to the subject issue, it is necessary to direct the 3<sup>rd</sup> respondent herein to give notice to the petitioners in W.P.No.33974 of 2023 and also the petitioner in W.P.No.4832 of 2023 within a period of two weeks from the date of receipt of copy of this order and initiate appropriate action, in accordance to law, on petitioners in W.P.No.33974 of 2023, letter dated 03.03.2023 addressed to the Chief Executive Officer, Secunderabad Cantonment Board, Secunderabad pertaining to their request for inspection of plinth level construction on Plot No.41 and release of next stage of the sanction plan duly considering the observations in the letter dated 04.10.2022 of the Chief Executive Officer, Secunderabad Cantonment Board, that the present sanction accorded to the Plot No.41 is as per the revised

layout of the Cantonment Board and the area for which the building plan permission is accorded is not forming the part of the park area as per the revised lay out and also consider the representations of the Petitioners in W.P.No.4832/2023 pertaining to restoration of park area in Marutinagar Colony, Old Bowenpally, Secunderabad within 2 weeks from the date of receipt of the copy of the order.

12. In view of above observations, W.P.No.33974 of 2023 and W.P.No.4832 of 2023 are disposed of. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

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**SUREPALLI NANDA,J**

**Dated: 18.03.2024**

Note: L.R.copy to be marked  
b/o kvrm