

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2905-2906 OF 2005

DR. G. HARAGOPAL & ORS.		.....APPELLANT(S)
VERSUS		
SOUTH CENTRAL RAILWAY & ORS.		.....RESPONDENT(S)

O R D E R

These appeals arise out of an interim order passed in WPMP No. 31584 of 2003 and WVMP No. 136 of 2004 in Writ Petition No. 25073 of 2003. Writ Petition No. 25073 of 2003 was filed seeking a declaration that the construction of the Necklace Road Railway Station and also other such developmental activities undertaken by the respondents as unconstitutional, illegal and ab initio void. A direction was also sought for the restoration of the Hussain Sagar Lake to its original purity and spread and also to protect and promote the right to life and shelter of the petitioners and other basti dwellers of M.S. Makta and also consequential relief.

When the interim relief granted by the High Court is challenged before this Court, this Court called for the main writ petition itself for final disposal. While the matter was pending before this Court, the Court constituted two Committees (one headed by Mr. Narender Luther, former Chief Secretary to the State and the other comprising Mr. R. Rajamani, former Secretary, Ministry of Environment and Forests and R. Sagar Dhara, Consultant UNEP as members) to examine the issue relating to the encroachment on the Hussain Sagar Lake and steps to be taken.

Reports were submitted and against which few objections were raised. We, however, notice that the State of Andhra Pradesh has not filed any objection to any of these reports.

So far as the construction of the Railway Station is concerned, this Court has taken the view that since the same has already been constructed, there is no question of restoration of that part. We are informed that few other persons have encroached upon the lake and effected illegal construction.

Mr. P.S. Narasimha, learned senior counsel appearing for the applicants in IA Nos. 33-34 of 2012, brought to our notice that the Andhra Pradesh Building Rules, 2012, Andhra Pradesh Rules for Construction and Regulation of Multiplex Complexes, 2007 and the Zoning and Development Promotion Regulations, 2013 have come into force.

We are of the considered view that there is no purpose in keeping the matter pending here, since due to the interim order passed by this Court, the State machineries, including the Corporation, are not in a position to deal with various applications that are filed as well as the complaints of encroachment of the lake and other places.

That being the factual position, we direct that Writ Petition No. 25073 of 2003 be remitted back to the High Court for its disposal, in accordance with law. The High Court can look into all the reports filed by the Expert Committee, objections filed and various laws that came into force in the meanwhile. Since the writ petition is of the year 2003, we request the High Court to dispose of the same within a period of four months from the date of receipt/ production of a certified copy of this order.

The interim order dated April 25, 2005 shall remain in operation till the matter is finally disposed of by the High Court.

The civil appeals are disposed of.

.....J.  
(K.S. RADHAKRISHNAN)

.....J.  
(VIKRAMAJIT SEN)

NEW DELHI,  
JANUARY 16, 2014.

ITEM NO.101 COURT NO.7 SECTION XIIA  
S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 2905-2906 OF 2005

DR. G. HARAGOPAL & ORS Appellant (s)  
VERSUS  
SOUTH CENTRAL RAILWAY & ORS. Respondent(s)

(With appln(s) for permission, impleadment, permission to file addl.  
documents and office report)

Date: 16/01/2014 These Appeals were called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Appellant(s)  
Mr. Colin Gonsalves, Sr. Adv.  
Mr. Juno Rahman, Adv.  
Ms. Jyoti Mendiratta, Adv. (NP)

For Respondent(s)  
Mr. R. Venkataramani, Sr. Adv.  
Mr. G.N. Reddy, Adv.  
Mr. Bala Shivudu M., Adv.  
Mr. Sodhan Babu, Adv.  
Ms. Neelam Singh, Adv.

Mr. P.S. Narasimha, Sr. Adv.  
Mr. Ananga Bhattacharya, Adv.

Mr. G. Ramakrishna Prasad, Adv.  
Mr. B. Suyodhan, Adv.  
Mr. Bharat J. Joshi, Adv.  
Ms. Filza Moonis, Adv.

Mr. Nikhil Nayyar, Adv.  
Ms. Akanksha, Adv.

UPON hearing counsel the Court made the following  
O R D E R

The civil appeals are disposed of in terms of the signed  
order.

|(N.S.K. Kamesh)

| |(Renuka Sadana)

|  
|Court Master

| |Court Master

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(signed order is placed on the file)