

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.34000 OF 2015

DATED:5-11-2015

Between:

Satpal Singh Kandhari
and others ... Petitioners

And

The Greater Hyderabad Municipal Corporation
Hyderabad, rep. by its Commissioner
Town Planning Section (H.O),
Hyderabad ... Respondent
... Respondents

COUNSEL FOR THE PETITIONERS: Ms. Pulipati Radhika

COUNSEL FOR THE RESPONDENT: Mr. P. Kesava Rao, Standing Counsel
for GHMC

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of the respondent in insisting on the petitioners to obtain clarification from the Special Officer and Competent Authority, Urban Land Ceiling, for considering their application dt.19.6.2015 for granting building permission, as illegal and arbitrary.

At the hearing Mr. P. Kesava Rao, learned Standing Counsel for the respondent, submitted that in respect of a part of the premises situated over the land in T.S.No.2/2, Sy.No.129/9, for which the petitioners have made an application for grant of building permission, an extent of 3,131.30 sq. meters was declared as surplus under the Urban Land (Ceiling & Regulation) Act, 1976 and that the respondent has merely asked the petitioners to clarify based on evidence that the land for which building permission is sought does not form part of the surplus land.

Smt. Pulipati Radhika, learned counsel for the petitioners, submitted that her clients have approached the Urban Land Ceiling (ULC) authorities for such clarification and evidence.

In my opinion, when a part of the land in the same survey number in respect of which the petitioners sought building permission was declared as surplus land, the respondent is justified in insisting on producing evidence by the petitioners showing that the land for which they applied for building permission does not form part of the surplus land. Therefore, I do not find any illegality in the action of the respondent in this regard. The petitioners shall be free to avail the appropriate remedy in the event the ULC authorities do not furnish the required details and the material.

As a sequel to dismissal of the writ petition, W.P.M.P. No.43787 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

05-11-2015

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