

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

WRIT PETITION No.36334 of 2015

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07.11.2015

Between:

Smt.T.Arul Rani and another

.. Petitioners

and

The State of Telangana,

represented by its Principal Secretary,

Municipal Administration, Hyderabad and others

.. Respondents

Counsel for the petitioner: Mr.K.V.L.Narasimha Rao

Counsel for respondent No.1: Government Pleader

Municipal Administration and Urban Development (TS)

Counsel for respondent Nos.2 and 3: Government Pleader for Revenue (TS)

Counsel for respondent No.4: Mr.Sampath Prabhakar Reddy,

standing counsel for the Greater Hyderabad Municipal Corporation

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.4 in issuing letter, dated 02.11.2015, rejecting the petitioners’ application, dated 03.10.2015, for grant of building permission in respect of plot Nos.1019 and 1018 in survey No.44/1 of Matrusri Colony, Miyapur, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary.

A perusal of the impugned letter shows that the only ground on which the petitioners’ application was rejected was that in respect of survey No.44 in which the petitioners’ plots are also situate, L.G.C.No.27/06 filed by the Revenue Divisional Officer, Chevella, against M/s. Matrusri Cooperative Housing Society is pending before the Special Court constituted under the Land Grabbing (Prohibition) Act, 1982.

The learned counsel for the petitioner has filed a copy of the order, dated 16.11.2007, in W.P.No.12861 of 2007 of this Court, wherein after referring to the common order, dated 23.03.2007, in W.P.No.3973 of 2007 and batch passed by a Division Bench of this Court, it was held as under:

“Having regard to the fact that no injunction is subsisting against the petitioner or the society from whom the petitioner had purchased the property, I do not see any jurisdiction for respondent No.1 to reject the

building permission merely for the reason that a land grabbing case is pending in respect of the land of which the petitioner's land forms part. In the event the LGC goes against the petitioner and the society, it is always open to the State to recover the property."

Mr.Sampath Prabhakar Reddy, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent No.4, has fairly conceded that following the aforementioned order, this Court has allowed similar writ petitions.

In the light of the above noted facts, the Writ Petition is allowed in terms of the order, dated 16.11.2007, in W.P.No.12861 of 2007, with the direction that the reasons and directions contained therein shall form part of this order.

As a sequel to allowing the writ petition, W.P.M.P.No.46796 of 2015 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

07th November, 2015

GHN