

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37792 of 2015

Date:20.11.2015

Between:

Bondada Sreenivasu,

S/o B.S.N.Murthy

and two others.

..... Petitioners

And:

The State of Telangana, repled., by its

Principal Secretary, Municipal Administration,

Hyderabad and three others.

.....Respondents

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

Counsel for Respondent No.1: AGP for Municipal Admn. (TS)

Counsel for Respondent Nos.2 & 3: AGP for Revenue (TS)

Counsel for Respondent No.3: AGP for Home (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.4 in issuing letter No.45958/13/10/2015/HO, dated 12.11.2015, rejecting the petitioners' application, dated 13.10.2015, for grant of building permission in respect of Plot Nos.735 and 736 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 situated, L.G.C.No.29 of 2006 filed by the Revenue Divisional Officer, Chevella, against M/s. Matrusri Co-Operative Housing Society is pending before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

Mr. K.V.L.Narasimha Rao, learned counsel for the petitioners, 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 disposal of the Writ Petition, W.P.M.P.No.48607 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

20th November, 2015

DR