

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.32416 of 2015

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DATED : 06.10.2015

Between :

Omer Bin Ghalib S/o.Late Ghalib Bin Omer Al Quaity,

Age : 62 yrs, Occu : Business,

R/o.H.No.8-1-398/paramount/327 & 328,

Paramount Hills, Hyderabad & 7 others.

.. Petitioners

and

The State of Telangana,

Rep., by its Principal Secretary to

The Municipal Administration,

Secretariat Buildings, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

Petitioners 1 to 4, 7 and 8 claim to be the owners of property bearing No.5-4-367, Kattal Mandi near Mozamjahi Market, Hyderabad admeasuring 4370 Square yards. The petitioners 5 and 6 claim to be the GPA holders of petitioners 1 to 3. Petitioners dispute the rival claim by the 5th respondent. Petitioners trace the history of litigation concerning the subject property. Petitioners are aggrieved by the building permission granted to the 5th respondent and even before the building permission was granted, an objection petition was filed before the Commissioner, Greater Hyderabad Municipal Corporation (2nd respondent) on 02.07.2015 opposing any endeavor made by 5th respondent to obtain building permission. Without having regard to the objection filed by the petitioners building permission was granted. After the building permission was granted, petitioners filed another complaint before the 2nd respondent on 02.09.2015. The petitioners allege that the said complaints are pending consideration with the 2nd respondent and so far no orders are passed, this writ petition is filed.

2. Heard learned counsel for the petitioners and learned Standing counsel for R.2 to R.4.

3. Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the GHMC Act') deals with granting of building permissions on application made, on prima-facie satisfaction of the competent authority. Section 450 of the GHMC Act, enables to renew such building permissions if permissions are obtained by mis-representation and by playing fraud. Thus, the complaint filed by the petitioners can be treated as a complaint to enable the 2nd respondent to exercise powers under Section 450 of the GHMC Act, and to examine whether there was any mis-representation or fraud played in obtaining building permission, since such power is available to the 2nd respondent to the limited extent as mentioned under Section 450 of the GHMC Act.

4. Having regard to the above observations, the writ petition is disposed of directing the Commissioner, (2nd respondent) to consider the objections filed by the petitioners on 02.09.2015 against grant of building permission to 5th respondent,

after putting on notice and affording due opportunity of hearing to the 5th respondent. Such exercise shall be completed within fixed time frame preferably within a period of six (6) weeks from the date of receipt of copy of this order and communicate the same to the petitioners. It is made clear that this Court has not expressed any opinion on merits on the rival claims. It is also open to the 5th respondent to raise all the contentions including the maintainability of complaint under Section 450 of the GHMC Act. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

_____**P.NAVEEN RAO,J**

06th October, 2015.

Note :Issue C.C., in three days.

B/o.

Rds