

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELENGANA AND THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY THIS THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.5720 of 2015

Between:

Chetty Naga Sivaji and another

..... PETITIONERS

AND

The State of A.P. rep.by its Principal Secretary,
Municipal Administration & Urban Development,
Secretariat, Hyderabad and 4 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5720 of 2015

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ORDER:

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This writ petition is filed seeking Writ of Mandamus to declare the action of the respondents in not conducting survey and also not allowing the petitioners for construction of the building in their property in accordance with building bye laws issued in G.O.Ms.No.168 dated 01.04.2012 under deemed permission, as illegal and arbitrary and consequently direct the respondents not to interfere with their construction activities.

The case of the petitioners is that themselves and their predecessors in title have been in possession and enjoyment of the lands situated in Sy.No.504/1 and Sy.No.505/1 of Guntur. The petitioners have made an application to the 2nd respondent seeking permission for construction of a building over their property, but the 2nd respondent neither passed any orders nor rejected their application, therefore, they proceeded with the construction of building under Section 437 of

Greater Hyderabad Municipal Corporation Act. The respondents are obstructing their construction activity. Aggrieved by the same, the petitioners filed the present writ petition.

Heard on either side.

Sri B.Nagajayachandra Reddy, learned counsel for the petitioners submits that though the petitioners applied for building permission, the 2nd respondent has not passed any orders thereon and hence the petitioners proceeded with the construction work under deemed permission under section 437 of Greater Hyderabad Municipal Corporation Act.

Sri A.Panduranga Rao, learned Standing Counsel appearing for respondents 2 to 4 submits that the petitioners have not made any application seeking building permission and no application is pending.

As no application was made seeking permission to construct a building, the petitioners have no right to proceed under section 437 of Greater Hyderabad Municipal Corporation Act.

However, the petitioners are at liberty to make an application to the 2nd respondent seeking permission to construct a building on the subject property, and on filing such application, the 2nd respondent may consider and pass necessary orders thereon, in accordance with law.

With the above directions, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

A.RAJASHEKER REDDY,J

Date: 31.03.2015

Dsr