

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.23543 of 2015

Between:

Manthena Bapiraju,
S/o. Sri M. Achyutha Rama Raju,
Aged:41 years, Occ: Business,
R/o. D.No.7-1-58/3/2/005,
Divya Sakthi Apartments,
Ameerpet, Hyderabad & another

.. Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration Department,
Secretariat Buildings, Hyderabad & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 29.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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|---|--|--------|
| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | Yes/No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

When the matter is taken up, learned counsel for the petitioners as well as Sri Sampath Prabhakar Reddy, learned Standing Counsel representing the Greater Hyderabad Municipal Corporation for Respondents 2 and 3, states that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.2454 of 2015.

2. Concerning the same issue, in W.P.No.8691 of 2008 the learned Single Judge has taken into consideration a judgment of the Division Bench of this Court in W.P.No.3973 of 2007 and batch and the judgment of the learned Single Judge in W.P.No.12861 of 2007. The operative portion of the order in W.P.No.8691 of 2008 reads as under:

“Therefore, in the absence of any legal bar for granting building permission subject to the petitioner satisfying the requirements of Section 428 of the Hyderabad Municipal Corporation Act, 1955, the petitioner is entitled to grant of building permission. However, in the event of LGC case, which is pending before the Special Court, being decided against him, the petitioner shall not claim equities or compensation for cost of the building constructed by him. The respondents shall accordingly consider the application of the petitioner for granting building permission.”

3. In view of the direction contained in the order

passed by the learned Single Judge, striking a balance between both the sides it becomes appropriate for the respondent Corporation to consider the application of the petitioners also, subject to their satisfying the requirements of law and in particular that of Sections 428, 429 and 431 of the Hyderabad Municipal Corporation Act, 1955, and subject to their giving an undertaking to the 2nd respondent Corporation that they will not claim any equities in the matter in the event the land grabbing case, which is pending before the Special Court, is decided against them, at any later point of time.

Accordingly, the application submitted by the petitioners may be taken up for consideration and appropriate orders thereon be passed within a period of eight (8) weeks from the date of receipt of a copy of this order.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 29th July, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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