

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 1246 OF 2015

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ORDER :
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This writ petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in revoking the revised permit dated 21.06.2013, without issuing any notice to the petitioner as per the Appendix-F and without observing the statutory bye-law No.11 of Municipal Corporation Building Bye-Laws, 1981 framed under Hyderabad Municipal Corporation Act, 1955, as illegal and arbitrary.

2. The case of the petitioner is that the petitioner company is the absolute owner and possessor of an extent of 4587 sq.yards of land situated on the eastern side of the land owned by it in Sy.No.115, 118, 134, 131(P), 132(P), 137(P) and 138(P) of Kapra Village, Keesara Mandal, Ranga Reddy district. It is stated that in order to serve the retired persons, the petitioner company designed a project known as Saket Pranaam Active Adult Retirement Homes having a multi storied complex with 3 blocks of residential premises consisting of 9 floors each and demarcated as A, B and C blocks and for the said purpose, the petitioner company allotted an extent of Ac.4.21 gts, which is inclusive of an extent of 4587 sq.yards on the eastern side of the project for commercial, residential and convenient shopping etc., The developments, constructions, structures etc., built up on the said property belong to the petitioner company exclusively and remaining constructions made in A, B and C blocks are proposed to be sold to the third parties and that for the said purpose, the petitioner company approached the competent authority for permission of the multi storied building and accordingly obtained valid permission dated 01.12.2009 and constructed the aforesaid blocks and sold the flats after obtaining the occupancy certificates from the 2nd respondent.

3. It is stated that when the petitioner sought for revising the earlier plan submitted to the 2nd respondent, it came to know about W.P.No.17351 of 2013 filed by the residents of adjacent flat owners, wherein this Court passed interim orders in W.P.M.P.Nos.21075 and 21076 of 2013, not to revise the sanctioned building plan vide permit dated 01.12.2009 and also not to allow illegal and unauthorized construction in the subject land to an extent of Ac.4.21 gts. Basing on the same, permission granted to the petitioner was revoked vide order dated 30.07.2013. It is stated that after hearing the 2nd respondent Corporation as well as learned counsels, the interim order granted by this Court on 19.06.2013 was modified by order dated 23.12.2013 in W.V.M.P.No.3144 of 2013 in WPMP Nos.21075 and 21076 of 2013 in W.P.No.17351 of 2013 stating that any constructions made by the 6th respondent therein (petitioner herein) will be at his own peril. Thereafter, the petitioner made representation dated 23.01.2014 intimating that the Hon'ble Court has modified the interim order and that the building permission has to be restored by revoking the order dated 30.07.2013, since this Court has modified the same in W.V.M.P.No.3144 of 2013 in WPMP Nos.21075 and 21076 of 2013 in W.P.No.17351 of 2013 dated 23.12.2013. In spite of the aforesaid representation, the 2nd respondent has not passed any orders so far. Aggrieved by the same, the present writ petition is filed.

3. Heard learned counsel for the petitioner as well as learned Standing Counsel for the respondent No.2.

4. Learned Standing Counsel for the 2nd respondent Corporation submits that the order is only modified and that the authorities will pass necessary orders on the representation of the petitioner dated 23.01.2014. Interim orders granted by this Court on 19.06.2013 is modified by order dated 23.12.2013 in W.V.M.P.No.3144 of 2013 in WPMP Nos.21075 and 21076 of 2013 in W.P.No.17351 of 2013 by

clearly observing that the petitioners therein cannot mount a challenge successfully for the construction undertaken by the 6th respondent (petitioner herein) with regard to 4587 sq.yards.

In view of the same, there shall be a direction to the 2nd respondent to consider the representation dated 23.01.2014 by taking note of modified order in W.V.M.P.No.3144 of 2013 in WPMP Nos.21075 and 21076 of 2013 in W.P.No.17351 of 2013 on 23.12.2013 and pass appropriate orders within a period of ten days from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

30.01.2015.

Note: issue CC by 02.02.2015

B/o.kvs

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Date: 30-01-2015

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