

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.42207 of 2015

-
29.12.2015

Between:

G.Ashok Kumar and another

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.Karri Murali Krishna

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for respondent Nos.3 and 4: Assistant Government Pleader for Revenue
(TS)

Counsel for respondent Nos.2 and 5: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in rejecting the petitioners' application, dated 15.12.2015, for grant of building permission in respect of plot Nos.791 and 792 in survey No.44/1 of Matrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary. The petitioners sought for a consequential direction to the respondents to grant building permission.

A perusal of the averments in the affidavit filed in support of the writ petition shows that the only ground on which the petitioners' application was not considered was that in respect of Survey No.44 in which the petitioners plots are also situate, a land grabbing case is pending before the Special Court constituted under the Land Grabbing (Prohibition) Act, 1982.

The 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 Nos.2 and 5, has fairly conceded that following the
aforementioned order, this Court has allowed similar writ petitions.

In the light of the above noted facts, this 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 allowing the writ petition, W.P.M.P.No.54462 of
2015 filed by the petitioners for interim relief shall stand disposed of as
infructuous.

C.V.NAGARJUNA REDDY, J

29th December, 2015
GHN