

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

WRIT PETITION NO.28914 of 2014

Between:

B.Prasad Reddy, s/o.Subba Reddy, Aged about 43 years,
Occu : Business, r/o.Plot No.19, Sainagar, Sainikpuri,
Secunderabad and another.

.. Petitioners

AND

The State of Telangana, rep.by its Principal Secretary,
Department of Municipal Administration, Secretariat (TS),
Hyderabad and another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 06.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers may : Yes / No
Be allowed to see the Judgments ? :
2. Whether the copies of judgment may be marked: Yes / No
to Law Reporters/Journals :
3. Whether Their Lordship wish to see the fair : Yes / No
Copy of the Judgment ? :

**HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION No.28914 of 2014**

ORDER:

Petitioners claim to be the owners of plot Nos.10 and 57, admeasuring 150 square yards, each, respectively, in survey Nos.402/A, 403 and 404 of Pallabuzrug Sivar, Narayanapet Mandal, Mahaboobnagar District. Petitioners applied for grant of permission to construct buildings in their respective plots. Their applications were rejected by notices dated 03.09.2014 holding that the proposed sites are not part of any approved layout and they have not enclosed layout regulation scheme proceedings. Challenging the said notices, this writ petition is filed. Petitioners allege that in the neighbouring survey numbers permissions for construction of buildings were granted, that these survey numbers are part of said survey numbers, whereas on illegal grounds the applications submitted by the petitioners were rejected.

2. In the counter-affidavit filed on behalf of the 2nd respondent, it is admitted that permissions were granted in survey nos.299 and 406. However, counter-affidavit is silent as to whether all the survey numbers are contiguous, that do not form part of any layout and the land on which permissions granted earlier are forming part of approved layout as distinct from these lands. Petitioners have also not stated anything in their reply. The only distinction sought to be made by the respondent in the counter-affidavit is survey nos.299 and 406 falls in developed area and having established access to road. It is not stated as to what is meant by established access to road.

3. Since the pleadings are not clear, no positive direction as prayed for by the petitioners can be granted. However, having regard to the fact that in Sy.Nos.299 and 406 earlier building permissions were granted and petitioners claim that their survey numbers are forming part of survey numbers where earlier building permissions were granted, the matter is remitted to the 2nd respondent to reconsider the claim of the petitioners vis-a-vis building permissions already granted to the neighbouring plot owners in Sy.Nos.299 and 406 and unless there is clear distinction as sought to be made in the counter-affidavit, more particularly on accessibility to the road, the building permission applications may positively be considered and pass appropriate orders. If the respondent municipality is not agreeing to grant building permission, it shall specify the reasons for rejecting such request including differentiation between the plots of the petitioners and other plot owners in whose favour building permissions were granted earlier. The entire exercise shall be completed within a period of three weeks from the date of receipt of a copy of this order. It is also open to the petitioners to make representation enclosing all the relevant documents in support of their claim to say that they are similarly situated to the neighbouring owners in whose favour building permissions were granted earlier.

4. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

Date : 06.08.2015
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JUSTICE P.NAVEEN RAO

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.28914 of 2014

Date:6.8.2015

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