

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39824 of 2015

Date:08.12.2015

Between:

Sajjala Divakar Reddy,
S/o Late S.Subba Reddy
and another.

..... Petitioners

And:

The State of Telangana, repled., by its
Principal Secretary, Municipal Administration
& Urban Development, Hyderabad
and four others.

.....Respondents

Counsel for the Petitioners: Mr. S.Sriram

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)

Counsel for Respondent Nos.2 & 5: Mr. P.Kesava Rao

Counsel for Respondent Nos.3 & 4: AGP for Revenue (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.5 in issuing letter, vide Lr.No.43386/26 /09/2015/HO, dated 24.11.2015, whereby the petitioners were informed to get clarification from the Tahsildar/Collector and also submit the sale deeds/link

documents for grant of building permission in respect of Plot Nos.212/A and 212/B in Survey No.44/1 of Miyapur Village, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary.

A perusal of the impugned letter shows that the only ground on which the petitioners were informed to submit the sale deeds in respect of the above-mentioned plots was that in respect of Survey No.44 in which their plots are also situated, L.G.C.No.29 of 2006 filed by the Revenue Divisional Officer, Chevella, against M/s Matrusri Co-Operative Housing Society is pending before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982.

Mr. S.Sriram, learned counsel for the petitioners, has placed reliance on 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. P.Kesava Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, 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, the 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 disposal of the Writ Petition, W.P.M.P.No.51395 of 2015 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*08th December, 2015
DR*