

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40703 of 2015

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Date: 16.12.2015

Between:

Nittala Subrahmanya Sastry

.. Petitioner

and

The State of Telangana,
rep. by its Prl.Secretary,
Municipal Administration &
Urban Development Department,
Hyderabad and 4 others.

.. Respondents

Counsel for the petitioner: Mr.Karri Murali Krishna

**Counsel for respondent No.1: AGP for Municipal
Administration (TS)**

Counsel for respondent Nos.3 & 4: AGP for Revenue

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent No.5 in issuing the impugned proceeding in File No.48251/CSC/TP-12/WZ/GHMC/2015, dated 02.12.2015, rejecting the petitioner's application for building permission, as arbitrary and illegal. The petitioner sought for a consequential direction to the respondents to grant the building permission.

A perusal of the impugned proceeding shows that the only ground on which the petitioner's application for building permission was rejected was that the proposed site, in which his plot is situated, falls within the area in respect of which certain cases are pending before the Land Grabbing Court and that they were instructed not to accord building permissions in respect of the said area and to grant such permissions only if the applicants obtain orders from the Court.

Mr.Karri Murali Krishna, learned Counsel for the petitioner, 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.Sampath Prabhakar Reddy, 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, this Writ

Petition is allowed in terms of 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, W.P.M.P.No.52551 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 16th December, 2015
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