

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.39183 of 2015

Date:02.12.2015

Between:

Karri Mahindhar,

S/o Gangadhar Rao

..... Petitioner

And:

The State of Telangana, repled., by its

Principal Secretary, Municipal Admn. And

Urban Development Department

Hyderabad and four others.

.....Respondents

Counsel for the Petitioner: Mr. K.Purushotham

Counsel for Respondent No.1: AGP for MA & UD (TS)

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 notice, vide File No.G/186/BA/WZ/41246/2015, dated 14.9.2015, rejecting the petitioner's application, dated 11.09.2015, for grant of building permission in respect of Plot No.743 in Survey No.44/1 of Matrusri Co-Operative Housing Society, Miyapur Village, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary.

A perusal of the impugned notice shows that the only ground on which the petitioner's application was rejected was that in respect of Survey No.44/1, in which the petitioner's Plot is 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 Land Grabbing (Prohibition) Act, 1982.

Mr. K.Purushotham, learned counsel for the petitioner, has filed a copy of order, dated 16.11.2007, in Writ Petition No.12861 of 2007 of this Court, wherein, after referring to common order, dated 23.03.2007, in Writ Petition 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.2and 5, has fairly conceded that following the afore-mentioned 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 Writ Petition 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, WPMP.No.50501 of 2015 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

02nd December, 2015

DR