

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 14138 of 2016

ORDER:

Heard Sri N.Sreedhar Reddy, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC).

2. The prayer of the petitioner in this case is as under:

‘That this Hon’ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or writs, order or direction, declaring the proceedings Dt.15.07.2014 in Procs. No.BA/G1/47813/14/07/2014/CO 1 on the file of the 2nd respondent as illegal, arbitrary without jurisdiction and to consequently direct the 2nd respondent to forthwith process the application made by the petitioner on 14.07.2014 and grant building permission in favour of the petitioner in respect of Plot bearing No.142 in Sy.No.162 of Weavers Colony, Bhavana Naagar, Kapra, RAnga Reddy District, Award Costs, and pass such other order or orders may deem fit and proper in the circumstances of the case.”

3. Perusal of the proceedings dated 15.07.2014 reflects that the building permission application was kept pending on the ground that the complaint petitions filed by some of the members of Sri Bhavani Rishi Co-operative House Building Society Limited, are pending consideration before the Head Office, Greater Hyderabad Municipal Corporation. Reference was also made to the order passed by this Court in W.P.Nos.10665 of 2010, 22449 of 2012, 9290 and 29528 of 2013 and 7712 of 2014. In the light of the complaint petitions received from Sri Bhavani Rishi Co-operative House Building Society Limited, the GHMC directed the petitioner not to proceed with any type of construction activity till clarification is received from the Head Office.

4. Sri N.Sreedhar Reddy, learned counsel for the petitioner, placed reliance on the order dated 16.11.2007 passed in W.P.No.12861 of 2007. Perusal thereof reflects that the said case relates to rejection of a building permission application by the GHMC on the ground that there was a civil dispute with regard to one M/s. Matrusri Co-operative House Building Society Limited. In the said case, it appears that litigation in the form of a land grabbing case was pending consideration, unlike the present case where no such case is pending. Despite the said fact, this Court took note of the fact that no injunction was subsisting against the writ petitioner therein or the Society from whom he had purchased the property or against the GHMC and therefore found no justification in the municipal authorities rejecting the building permission application on the ground that a civil dispute was pending. This Court finally observed that in the absence of any legal bar for granting building permission, subject to satisfying the requirements of the Greater Hyderabad Municipal Corporation Act, 1955, the applicant would be entitled to grant of building permission.

5. As, in the present case, the impugned proceedings do not reflect any injunction operating against the municipal authorities preventing them from granting building permission and as Sri N.Sreedhar Reddy, learned counsel for the petitioner, asserts that the petitioner has nothing to do with the petitioners in W.P.Nos.10665 of 2010, 22449 of 2012, 9290 and 29528 of 2013 and 7712 of 2014 and does not even claim under them, there is no reason as to why the GHMC should refuse to consider his building permission application on its own merits and in accordance with law.

6. The writ petition is accordingly allowed setting aside the impugned proceedings dated 15.07.2014. The Greater Hyderabad Municipal Corporation shall reconsider the building permission application of the petitioner on its own merits and in accordance with the Greater Hyderabad Municipal Corporation Act, 1955, and the rules and regulations framed thereunder.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

April 25, 2016
Lmv