

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION NO. 30346 OF 2016

ORDER:

Heard learned counsel appearing for petitioner and learned Standing Counsel for GHMC, appearing for respondents 2 & 3.

Petitioner filed this Writ Petition stating that the respondents have kept his application for building permission pending without assigning any valid reasons. Petitioner asserts that his property is in S.No. 844/20.

In the counter affidavit filed by the respondents, it is admitted that the 4th respondent had inspected and informed the third respondent that the property claimed by the petitioner is existing in S.No. 844/20, as alleged by the petitioner. However, it is stated that the Standing Counsel's legal opinion is being reviewed by the second respondent and the petitioner is not in physical possession of the land and it is an open space enclosed to the compound wall constructed by the respondent Corporation.

It is not the case of the GHMC that it has title to the subject property and that was the reason why it rejected the application of the petitioner for building permission. It is also not the case of the GHMC that the petitioner's property, viz., Plot Nos. 19 & 20, is not located in S.No. 844/20. Therefore, I do not see any valid reason why respondents

2 & 3 should not grant permission to the petitioner to make construction therein.

Accordingly, the Writ Petition is allowed with costs of Rs. 10,000/- and the respondents 2 & 3 are directed to issue building permission subject to compliance of the petitioner all formalities prescribed by the GHMC Act, 1955 and Rules permitted therein. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

DATE: 21.09.2016
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M.S. RAMACHANDRA RAO, J

