

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

WRIT PETITION No.3695 of 2016

-
08.02.2016

Between:

M.Dwaraka Singh and others

.. Petitioners

and

The State of Telangana,
represented by its Principal Secretary,
Municipal Administration and Urban Development Department,
Hyderabad and others

.. Respondents

Counsel for the petitioners: Mr.V.Ravi Kiran Rao

Counsel for respondent No.1: Assistant Government Pleader
for Municipal Administration and Urban Development (TS)

Counsel for the other respondents: --

The Court made the following:

-

-

-

-

-

-

-

-

ORDER:

The petitioners, who have constructed a building comprising stilt plus five upper floors under a valid building permission, are made to knock the doors of justice as their application for issue of Occupancy Certificate is put on hold by respondent No.2 for nearly one year. Among the material filed by the petitioners is the copy of Joint Inspection Report, 13.11.2015, as per which, the Assistant City Planner, the City Planner (Central Zone), the Deputy Executive Engineer and the Executive Engineer, HL & WBMC, who conducted joint inspection on 12.11.2015, have unanimously observed that during the inspection, the distance between the *nala*, which is passing adjacent to the petitioners' site, and the building is measured at 15.04 mtrs. plus 3.00 mtrs. buffer zone, that the total distance including the buffer zone is 18.04 mtrs. and that the available widths as per the irrigation point of view and the sanctioned plan are maintained at site.

Though one would have thought that the report would end the petitioners' agony, but that was not to be.

Mr.P.Kesava Rao, learned counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent Nos.2 to 5, has submitted that at the instance of a Member of Legislative Assembly, respondent No.2 is planning to cause another inspection done.

In my opinion, when a host of functionaries of respondent No.2 including respondent No.3, have inspected the site and given their unequivocal opinion that the total space from the center of the existing *nala* including buffer zone and the building is 18.04 mtrs. and the same conforms to the norms of the irrigation department as well as the sanctioned plan, I cannot conceive of any valid reason for respondent No.2 to toy with the idea of another inspection. The respondents

cannot put the citizens to eternal wait, merely because a Legislator has intervened obviously to see that Occupancy Certificate is not issued to the petitioners.

In the above facts of the case, respondent No.2 is directed to forthwith consider the petitioners' application for grant of Occupancy Certificate in the light of the joint inspection report, dated 13.11.2015, dispose of the same and communicate the result thereof to the petitioners.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.4722 of 2016 filed by the petitioners for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

08th February, 2016
GHN