

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.32988 of 2016

O R D E R:

Heard counsel for the petitioner, the Government Pleader for Municipal Administration appearing for 1st respondent, Sri Sampath Prabhakar Reddy, Standing Counsel for GHMC appearing for respondents 2 & 5, and the Government Pleader for Revenue appearing for respondents 3 and 4.

2. Petitioner's grievance in this Writ Petition is that the respondents are not granting construction permission to the petitioner in spite of the fact that the petitioner had applied for such permission on 19.09.2016.

3. Sri Sampath Prabhakar Reddy, Standing Counsel for GHMC states that the Joint Collector, Ranga Reddy District had issued a letter dt.31.10.2013 addressing the Zonal Commissioner, West Zone, GHMC stating that the subject land is being litigated by the State in LGC No.29 of 2006 and not to grant building permissions.

4. It is not disputed that in the LGC initially an order was granted in I.A.No.446 of 2006 on 31.08.2006 prohibiting alienation and permitting constructions by only persons having approved plans but the said order was set aside by this Court in W.P.No.3973 of 2007 and batch on 02.03.2007.

In W.P.No.12861 of 2007 which is arising out of a claim by a person whose permission for construction in the subject land was rejected, this Court had passed orders on 16.11.2007 directing the respondents to consider grant of building permission, on the petitioner satisfying the requirements of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and giving an undertaking that in the event of LGC pending before the Special Court instituted under the A.P. Land Grabbing (Prohibition) Act, 1982 been decided against him, petitioner would not claim any equities or costs of the building constructed by him.

5. Following the above orders, this Writ Petition is disposed of directing the respondents 2 and 3 to consider the application of the petitioner for grant of building permission in the subject land within a period of four (04) weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and also subject to the petitioner giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC been decided against the petitioner, without reference to the letter dt.31.10.2013 of the Zonal Commissioner, GHMC, Hyderabad. There shall be no order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

14th October, 2016
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