

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

WRIT PETITION No.246 of 2016

-
05.01.2016

Between:

Deeksha Constructions, Ranga Reddy District

.. Petitioner

and

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

.. Respondents

Counsel for the petitioner: Mrs.A.Deepthi

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

Counsel for respondent Nos.2 and 3: --

The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of respondent No.3 in rejecting the petitioner's application, dated 04.12.2015, for grant of building permission in respect of plot No.23 in Survey No.44/1 of Matrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to grant building permission.

A perusal of the rejection intimation, dated 28.12.2015, issued by respondent No.3, shows that the only ground on which the petitioner's application was rejected was that in respect of Survey No.44 in which the petitioner's plot is also situate, a land grabbing case is pending before the Special Court constituted under the Land Grabbing (Prohibition) Act, 1982.

The learned counsel for the petitioner has filed a copy of the order, dated 16.11.2007, in W.P.No.12861 of 2007 of this Court, wherein after referring to the common order, dated 23.03.2007, in W.P.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 (GHMC) appearing for

respondent Nos.2 and 3, has fairly conceded that following the
aforementioned order, this Court has allowed similar writ petitions.

In the light of the above noted facts, this Writ Petition is allowed
in terms of the order, dated 16.11.2007, in W.P.No.12861 of 2007, with
the direction that the reasons and directions contained therein shall
form part of this order.

As a sequel to allowing the writ petition, W.P.M.P.No.301 of 2016
filed by the petitioner for interim relief shall stand disposed of as
infructuous.

C.V.NAGARJUNA REDDY, J

05th January, 2016
GHN