

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

W.P.M.P. No. 22330 of 2016 in W.P.No.17315 of 2016

&

W.P. No. 17315 of 2016

COMMON ORDER :

1. The present Writ Petition came to be filed seeking to declare the action of the respondents in not granting permission for construction of a building with stilt +4 upper floors in Plot No.643 in survey No.44/1 of Mathrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District as illegal and arbitrary.
2. Heard the learned counsel for the petitioner and Sri Sampath Parabhakar Reddy, learned Standing Counsel appearing for respondents 2 and 5.
3. Relying upon the order dated 13.11.2015 passed by this Court in Writ Petition No. 36791 of 2015, learned counsel for the petitioner seeks a direction to the authorities to grant permission and approval for construction of a building in plot No.643 in survey No.44/1 of Mathrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District.
4. One Smt. Fatimunnisa Begum and 2 others filed

implead petition vide W.P.M.P. No. 22330 of 2016 seeking to implead themselves as respondents 6 to 8 in the Writ Petition, raising objection with regard to passing of the said order. According to them, the implead petitioners filed Original Suit No. 38 of 1993 on the file of the I Additional District Judge, Ranga Reddy District in respect of the said land for partition and the writ petitioners were also arrayed as defendants in the said suit. A preliminary decree was passed in the said suit on 29.12.2000 which was challenged by way of an appeal in A.S. No. 1008 of 2001 before this Court and the same was dismissed vide judgment dated 16.12.2011 confirming the judgment and decree passed by the trial Court. In view of the above, it is urged that the petitioners are not entitled to any relief in this Writ Petition.

5. Learned Standing Counsel for G.H.M.C. states that the application made by the petitioner for grant of permission for construction of building in the plot in question, has to be considered after hearing the implead petitioners. Therefore, having regard to the submissions made, respondent No.3 is directed to consider the building permission application made by the petitioner for construction of building in Plot No.643

in survey No.44/1 of Mathrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District, after hearing the petitioner as well as implead petitioners/respondents 6 to 8 in accordance with law.

6. Accordingly, W.P.M.P. No.22330 of 2016 is ordered. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

09.06.2016
DRK

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