

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.1969 of 2016

Date:25.01.2016

Between:

Daka Venkata Krishna Reddy,
S/o Jaya Rami Reddy

..... Petitioner

And:

State of Telangana., repled by its Principal
Secretary, Municipal Administration &
Urban Development Department,
Hyderabad and four others.

.....Respondents

Counsel for the Petitioner: Mr. Karri Murali Krishna

Counsel for Respondent No.1: AGP for Municipal Admn.
(TS)
Counsel for Respondent Nos.3 & 4: AGP for Revenue (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in rejecting the petitioner's application for grant of building permission for Stilt + four upper floors in respect of his Plot No.129 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 the building permission.

A perusal of rejection letter, dated 12.01.2016, issued by the office of respondent No.5, shows that the only

ground on which the petitioner's application was rejected was that in respect of Survey No.44/1 in which the petitioner's plot is also situated, L.G.C.No.29/06 filed by the Revenue Divisional Officer, Chevella, against M/s Matrusri Co-operative Housing Society 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 order, dated 16.11.2007, in Writ Petition 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 No.2-Corporation, 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 order, dated 16.11.2007, in Writ Petition No.12861 of 2007, with the direction that the reasons and directions contained therein shall form part of this order.

As a sequel to disposal of the Writ Petition, WPMP.No.2501 of 2016 shall stand disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*25th January, 2016
DR*