

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

WRIT PETITION Nos.22828 and 23029 of 2016

COMMON ORDER:

Since the parties and subject matter in both the Writ Petitions are one and the same, they are being disposed of by this common order.

2. Heard counsel for the petitioner, Sri V.Narsimha Goud, Standing Counsel appearing for 1st respondent, and the Government Pleader for Municipal Administration appearing for 2nd respondent.

3. Petitioners have applied to the 1st respondent for approval of final lay out in survey Nos.55/P, 56/P, 60, 61, 62, and 63/P of Gaddapotharam village, Jinnaram Mandal, Medak District.

4. By separate order dt.30.04.2016, the 1st respondent had refused to release the final lay outs in both the cases on the ground that a case O.S.No.84 of 2009 is pending in the civil Court.

5. Under Section 20(2) of the Hyderabad Metropolitan Development Authority Act, 2008, the 1st respondent has to make an enquiry on receipt of application for development and then either grant it unconditionally or subject to conditions or may refuse permission, by recording reasons in writing.

6. In the present case, though reason is assigned that the pendency of said Court case is a bar to the 1st respondent to release the final lay out in favour of the petitioner in respect of the subject land, it is not the case of the 1st respondent that any interim orders were passed in the said suit restraining the 1st respondent from taking action pursuant to the provisions of the Act.

7. In fact, counsel for the petitioner states that the petitioner is not a party in that suit at all.

8. Since the reason given by the 1st respondent in refusing permission to the petitioner is not a valid reason, the very refusal of the 1st respondent to release the final lay out is arbitrary and unreasonable and cannot be sustained.

9. Therefore, both the Writ Petitions are allowed; the impugned orders in Lr.No.3608/MP2/HMDA/ Plg/2012 dt.30.04.2016 and Lr.No.100185/LO/HMDA/Plg/2013 dt.30.04.2016 issued by the 1st respondent are set aside; the 1st respondent is directed to apply its mind to the applications made by the petitioner and dispose of the same in accordance with law. This exercise shall be done within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10. Miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

27th August, 2016
gra

