

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.37810 OF 2015

ORDER

Heard Sri N.Sreedhar Reddy, learned counsel for the petitioner, and Sri Pasham Krishna Reddy, learned standing counsel for the Greater Hyderabad Municipal Corporation (GHMC).

The prayer of the petitioner in this case is as under:

‘For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a **Writ of Mandamus** or any other appropriate Writ or Writs, Order or Direction, declaring the proceedings dt 13.3.2014 in Procgs.No.BA/G1/15980/KC1/GHMC/2013 on the file of the 2nd Respondent, as illegal, arbitrary and without jurisdiction and to consequently direct the 2nd Respondent to forthwith receive the application of the petitioner for grant of building permission in respect of his Plot bearing No.606 (D) admeasuring 244.44 sq yds in Sy No.154 to 158 situated at Weavers’ Colony, Bhavana Nagar, Kapra Village and Mandal, Ranga Reddy District and grant building permission forthwith; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.’

Perusal of the proceedings dated 13.03.2014 reflects that the building permission application was rejected on the ground that an objection had been raised by an advocate on behalf of one R.Damodar and 31 others about a civil dispute relating to Sri Bhavani Rishi Co-operative House Building Society Limited. Reference was also made to the order passed by this Court in W.P.No.10665 of 2010 and W.P.No.22449 of 2012. In the light of the representation received from the advocate, the GHMC advised the petitioner to settle his dispute before the Court of law and not to proceed with any type of construction activity.

Sri N.Sreedhar Reddy, learned counsel for the petitioner, placed reliance on the order dated 16.11.2007 passed in W.P.No.12861 of 2007. Perusal thereof reflects that the said case also related to rejection

of a building permission application by the GHMC on the ground that there was a civil dispute with regard to one M/s. Matrusri Co-operative House Building Society Limited. In the said case, it appears that litigation in the form of a land grabbing case was pending consideration, unlike the present case where no case is pending. Despite the said fact, this Court took note of the fact that no injunction was subsisting against the writ petitioner therein or the society from whom he had purchased the property or against the GHMC and therefore found no justification in the municipal authorities rejecting the building permission application on the ground that a civil dispute was pending. This Court finally observed that in the absence of any legal bar for granting building permission, subject to satisfying the requirements of the Greater Hyderabad Municipal Corporation Act, 1955, the applicant would be entitled to grant of building permission.

As, in the present case, the impugned proceedings do not reflect any injunction operating against the municipal authorities preventing them from granting building permission and as Sri N.Sreedhar Reddy, learned counsel for the petitioner, asserts that the petitioner has nothing to do with the petitioners in W.P.Nos.10665 of 2010 and 22449 of 2012 and does not even claim under them, there is no reason as to why the GHMC should refuse to consider his building permission application on its own merits and in accordance with law.

The writ petition is accordingly allowed setting aside the impugned proceedings dated 13.03.2014. The Greater Hyderabad Municipal Corporation shall reconsider the building permission application of the petitioner on its own merits and in accordance with the Greater Hyderabad Municipal Corporation Act, 1955, and the rules and regulations framed thereunder. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

19th APRIL, 2016

PGS