

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.37865 OF 2016

Dated:04.11.2016

Between:

Anil Arogya Reddy Thumma,
S/o. Thumma Lourdu Reddy,
R/o.88 Vicks Burg, APT # 201,
Memphis Tennessee, USA and another

.. Petitioners

And

Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner, Tank Bund
Road, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

When the matter is taken up, learned counsel for the petitioners as well as learned standing counsel representing Greater Hyderabad Municipal Corporation states that the subject matter of the writ petition is covered by the decision of this Court in W.P.No.2454 of 2015.

2. Concerning the same issue, in W.P.No.8691 of 2008, the learned Single Judge has taken into consideration a Judgment of the Division Bench of this Court in W.P.No.3973 of 2007 and batch, and the judgment of learned Single Judge in W.P.No.12861 of 2007. The operative portion of the order in W.P.No.8691 of 2008 reads as under:

“Therefore, in the absence of any legal bar for granting building permission subject to the petitioner satisfying the requirements of Section 428 of the Hyderabad Municipal Corporation Act, 1955, the petitioner is entitled to grant of building permission. However, in the event of LGC case, which is pending before the Special Court, being decided against him, the petitioner shall not claim equities or compensation for cost of the building constructed by him. The respondents shall accordingly consider the application of the petitioner for granting building permission.”

3. In view of the direction contained in the order passed by the learned Single Judge, striking a balance between both the sides, it becomes appropriate for the Corporation to consider the application of the petitioners also subject to their satisfying the requirements of law and in particular that of Sections 428, 429

and 431 of the Hyderabad Municipal Corporations Act, 1955 and subject to their giving an undertaking to the 1st respondent – Corporation that they will not claim any equities in the matter in the event the land grabbing case, which is pending before the Special Court, is decided against it, at any later point of time. Accordingly, the application submitted by the petitioners may be taken up for consideration and appropriate orders thereon be passed within a period of four (4) weeks from the date of receipt of a copy of this order.

4. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:04.11.2016

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P. NAVEEN RAO, J

