HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.1590 of 2016

Dated: 21.01.2016

Between:

Sammeta Bharat Kumar

.. Petitioner

And

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

.. Respondents

Counsel for the Petitioner : Mr. Karri Murali Krishna

Counsel for Respondent No.1 : AGP for Municipal Administra-tion.

Counsel for Respondent Nos.3 & 4: AGP for Revenue

The Court made the following:

ORDER:

This writ petition is filed for a Mandamus to declare the action of respondent No.5 in rejecting the petitioner's application for grant of building permission in respect of plot No.633 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 28.12.2015, issued by respondent No.5, shows that the only ground on which the petitioner's application was rejected was that in respect of the land in which the petitioner's plot is situated, certain cases are pending before the Land Grabbing Court.

The learned Counsel for the petitioner has filed a copy of Order, dated 16.11.2007, in W.P.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 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.5, 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 W.P.No.12861 of 2007, with the direction that the reasons and directions contained therein shall form part of this order.

As a sequel, W.P.M.P.No.2012 of 2016, filed by the petitioner for interim relief, is disposed of as infructuous.

JUSTICE C.V. NAGARJUNA REDDY

21-01-2016
v v