

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33600 OF 2016

ORDER:

This Writ Petition is filed for the following relief:

“... to issue an appropriate Writ, order or direction mostly one which is in the nature of a Writ of Mandamus, declaring the action of the respondents in not granting construction permission and approval for the construction of Building with Stilt + 4 upper floors in respect of the Plot No.56 in Survey No.44/1 of Mathrusri Cooperative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District as illegal, arbitrary, contrary to the provisions of Greater Hyderabad Municipal Corporation Act and issue a consequential direction directing the respondents to grant Building permission duly considering the application in Reference File Number 2/C12/01051/2016, dated 09.08.2016, and pass such an order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. When the matter is taken up, learned counsel for the petitioner 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.

3. 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.”

4. 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 petitioner also, subject to its 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 its giving an undertaking to the 2nd respondent – Corporation that it 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 petitioner 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.

5. 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.

P. NAVEEN RAO, J

Date:17.10.2016

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