

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Petition (PIL).No.259 of 2015

ORDER: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The grievance of the Kompally Gram Panchayat (petitioner herein) is that, while the Hyderabad Metropolitan Development Authority (HMDA) is entrusting them with various duties, the entire approval fees are being collected only by the HMDA, and no part thereof is being paid to them.

Sri V.Narasimha Goud, learned Standing Counsel for the HMDA, would, however, contend that, even for plots and buildings for which approval is required to be accorded by the HMDA, the petitioner-Gram Panchayat is collecting fees on its own, instead of the entire amount being remitted to the HMDA, and consequently they cannot have any grievance if they are entrusted with certain responsibilities in connection with the buildings constructed pursuant to the technical approval granted by the HMDA.

The dispute, in the present case, appears to be in relation to plots beyond 1000 meters in size and buildings above G+2, and it is not in dispute that the Gram Panchayat accords permission and collects fees for plots below 1000 meters and buildings below G+2. Though, our attention is drawn by the learned Special Government Pleader, appearing on behalf of the learned Additional Advocate General, to Proforma-II which contains details of the proposals for which technical approval was accorded by the HMDA from 01.04.2015 to 31.03.2016, to submit that Rs.10,96,207/- was paid to the Gram Panchayat, the basis on which the said amount, if at all, was paid to the Gram Panchayat is not clear.

The norms or the criteria based on which the fees collected either by the HMDA or by the Gram Panchayat, for buildings above G+2 and plots above 1000 meters in size, should be shared between them does not appear to have been prescribed. In any event no such Rule or Government Order has been brought to our notice.

Section 49(2) of the Hyderabad Metropolitan Development Authority Act, 2008 (for short “the Act”) stipulates that if in, or in connection with, the exercise of its powers, responsibilities and discharge of its functions by the Metropolitan Development Authority under this Act, any dispute arises between the Metropolitan Development Authority and other Authority or Committee or local Authority, the matter shall be resolved at the Government level, and the decision of the Government shall be final and binding on the Metropolitan Development Authority and the other Authority or Committee or local authority.

As the dispute, in the present case, is with regards apportionment, of the approval fees collected by the HMDA, between the HMDA and the Gram Panchayat, and as it is required to be resolved by the Government under Section 49(2) of the Act, we see no reason to keep the writ petition pending on the file of this Court. Instead, we direct the petitioner-Gram Panchayat to submit a detailed representation of their claim, to a share in the approval fees collected by the HMDA for buildings beyond G+2 and plots beyond 1000 meters in size, and for the services rendered by them as per the directions of the HMDA, within two weeks from today to the Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana. The Principal Secretary shall, within two months from the date of receipt of such a representation,

take a decision on the petitioner's claim for apportionment of fees, and pass necessary orders in accordance with law.

The Writ Petition (Public Interest Litigation) stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

10th April, 2017
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AND
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Date: 10.04.2017

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