

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.18142 of 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents in refusing construction permission and approval for the construction of building with stilt + 4 upper floors in Plot No.807, admeasuring 389 square yards, in Survey No.44/1 of Mathrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District, vide shortfall letter No.2/WZO/04693/2017, dated 27.04.2017, as illegal and arbitrary and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and issue a consequential direction directing the respondents to grant building permission duly considering the application of the petitioner in reference File No.2/WZO/04693/2017, dated 25.04.2017.

2. Heard the learned counsel for petitioner, learned Government Pleader for Municipal Administration and Urban Development (Telangana) appearing for the 1st respondent, Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation appearing for respondents 2 & 5, and learned Government Pleader for Revenue (Telangana) appearing for respondents 3 & 4.

3. Petitioner's grievance in this writ petition is that the respondents are not granting construction permission in spite of the fact that he had applied for permission.

4. Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, states that the Joint Collector, Ranga Reddy District had issued a letter dt.31.10.2013 addressing the Zonal Commissioner, West Zone, GHMC stating that the subject land is being litigated by the State in LGC No.29 of 2006 and not to grant building permissions.

5. It is not disputed that in the LGC, initially an order was granted in I.A.No.446 of 2006 on 31.08.2006 prohibiting alienation and permitting constructions by only persons having approved plans but the said order was set aside by this Court in W.P.No.3973 of 2007 and batch on 02.03.2007. In W.P.No.12861 of 2007 which is arising out of a claim by a person whose permission for construction in the subject land was rejected, this Court had passed orders on 16.11.2007 directing the respondents to consider grant of building permission, on the petitioner satisfying the requirements of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and giving an undertaking that in the event of LGC, pending before the Special Court instituted under the A.P. Land Grabbing (Prohibition) Act, 1982, has been decided against them, petitioner would not claim any equities or costs of the building constructed by him.

6. Following the above orders, this Writ Petition is disposed of directing respondent Nos. 2 and 3 to consider the application of the petitioner for grant of building permission in the subject land within a period of eight (08) weeks from the date of receipt of a copy of this order, subject to satisfying requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955

and also giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC has been decided against him, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, GHMC, Hyderabad. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO,J

Date: 7th June, 2017

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