

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.26697 of 2017

ORDER:

This Writ Petition is filed for the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of respondent No.3 in issuing Proceedings dt. 25.07.2017 vide Lr.No.3/C2/09033/2017 against the petitioners’ application for grant of permission for construction of a residential building consisting of Ground + 2 Upper Floors in respect of plot admeasuring 216.66 sq. yards bearing Plot Nos.1024/Part in Sy.No.44/1 situated at Matrusri Cooperative Housing Board Society Ltd., Miyapur (V), Serilingampally (M), Ranga Reddy District thereby informing that the lands in Sy.No.44/1 are pending for adjudication in L.G.C.No.29 of 2006 before the A.P. Land Grabbing (Special Court) and insisting the petitioners to submit clarification from the Revenue Authorities/District Collector, Hyderabad for granting permission as illegal, arbitrary and unconstitutional apart from being contrary to the provisions contemplated under the Hyderabad Municipal Corporation Act, 1955 especially Section 428 and in violation of the orders of this Hon’ble Court in W.P.No.3973 of 2007 & Batch and W.P.No.12861 of 2007 dt. 16.11.2007 and consequently set aside the same directing the 1st respondent to consider the petitioners’ application and release the sanction plan for construction of the building in the property.”

When the matter is taken up, it is submitted by the learned counsel for the petitioners so also the learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.1 and 3 that the issue in the present Writ Petition

is squarely covered by the order of this Court in Writ Petition No.2724 of 2017 dated 30.01.2017. A copy of the same is also placed on record. Operative portion of the said order reads as under:

“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 (8) 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 them, without reference to the letter dt. 31.10.2013 of the Zonal Commissioner, GHMC, Hyderabad. There shall be no order as to costs.”

Following the above said order and for the reasons recorded therein, this Writ Petition is also disposed of in terms thereof.

Office to enclose a copy of the order, dated 30.01.2017 in Writ Petition No.2724 of 2017, to this order.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

9th AUGUST, 2017.

A.V.SESHA SAI, J

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