

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

WRIT PETITION No.32313 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration & Urban Development and Sri N.Praveen Kumar, learned Standing Counsel.

Petitioner herein claims to be the absolute owner and possessor of the plot bearing Nos.22 and 23 situated in Sy.Nos.508/E and 509/E of Ward No.6, Block No.3, Raghavendra Nagar Colony, Sadashivapet Municipality having purchased the same by way of registered sale deed bearing document No.5870 of 2015 dated 30.12.2015.

Petitioner submitted an application vide building application No.3054/0143/W12/2017 dated 09.05.2017 for permission to construct a building in the said land. The third respondent-Commissioner, Sadashivapet Municipality rejected the said application vide file No. No.3054/0143/W12/2017 dated 17.06.2017 on the ground that the sale deed obtained by the petitioner herein was executed after the cut off date stipulated in the LRS Rules, 2015. The grievance of the petitioner in the present Writ Petition is that the said rejection is highly arbitrary, illegal and contrary to the Memo bearing

No.2252/M1/2017 dated 28.04.2017. The said Memo issued by the State Government reads as under:

“In the reference cited following orders were issued to Metropolitan Commissioner, Hyderabad Metropolitan Development Authority/Commissioner, Greater Hyderabad Municipal Corporation to consider building permissions in the plots/sites which are not applied under LRS Scheme 2015;

“Building Permission in such plots/sites may be considered by the competent Authority by collecting basic penalization charges as per LRS-2015 and 33% compounding fee on the same, plus open space contribution charges (14%) on the present market value of the site/plot applied for Building Permission”.

2. Government after careful examination of the matter have extended the above orders to entire State i.e. all the Municipal Corporations/ Municipalities/ Nagar Panchayats and UDA areas.

3. Therefore, the Director Municipal Administration, Telangana, Hyderabad/Director of Town and Country Planning, Telangana, Hyderabad/Vice Chairmen of UDAs/Commissioners of ULBs are requested to take necessary action accordingly as per the above orders.

The submission of the learned counsel for the petitioner is that, without properly considering the purport of the above said Memo and the contents of the same, the third respondent rejected the building application of the petitioner herein. By way of the said Memo, the State Government extended the benefit of the contents of the letter dated 06.04.2017 of the State Government to the municipalities also and according to the same

in respect of the building plots/sites not covered by the LRS Scheme, 2015, grant of permissions can be considered by the competent authority by collecting basic penalization charges as per LRS Scheme, 2015 and 33% compounding fee on the same, plus open space contribution charges (14%) on the present market value of the site.

Having heard the learned counsel for the petitioner and the learned Standing Counsel, this Court deems it appropriate to allow the present Writ Petition, by setting aside the order dated 17.06.2017 passed by the third respondent. Consequently the matter is remanded to the third respondent for fresh consideration of the application of the petitioner herein in accordance with the Memo dated 28.04.2015 and the said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is allowed. Miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

A.V.SESHA SAI, J

03rd October, 2017
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