

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.34015 OF 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.2 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC appearing for respondent Nos.1 and 3.

2. Petitioner herein claims to be the owner of the property admeasuring 300 sq.yards bearing plot No.950 in Sy.No.44/1 situated at Matrusri Co-operative Housing Board Society Limited, Miyapur Village, Serilingampalli Mandal, Ranga Reddy District and according to her, she submitted an application for building permission on 27.06.2017. The respondent-GHMC, by way of the impugned letter bearing No.3/C12/07990/2017, dated 10.07.2017, refused to entertain the said application on the ground that the Honourable Supreme Court appointed the former Honourable Chief Justice of Patna High Court as Court Receiver to conduct sale of the property in Sy.Nos.18, 19, 44, 45, 56, 69, 77, 87, 92, 93, 94, 95, 97, 98, 20, 28 & 117/1 of Miyapur in Civil Appeal Nos.3253-3254 of 2016 & batch through order, dated 17.11.2016. Broadly, there are two submissions made by the learned counsel for the petitioner in challenging the impugned order. Firstly, the order of the Honourable Supreme Court does not pertain to the present Survey No.44/1 of the petitioner and secondly, Court Receiver appointed by the Honourable Supreme Court *vide* order, dated 17.11.2016, was recalled by the

Honourable Supreme Court by way of subsequent order, dated 31.03.2017, in I.A.Nos.17-22, 23-28, 29-30 & 31-32 in Civil appeal Nos.3253-3254/2016 and batch and a copy of the same is also placed on record along with the writ petition material papers.

3. A perusal of the impugned letter, dated 10.07.2017, in clear terms, discloses that the present Sy.No.44/1 does not find place in the said survey numbers as indicated in the orders of the Honourable Supreme Court. The order, dated 31.03.2017, of the Honourable Supreme Court, which is placed on record, also discloses that the Honourable Supreme Court recalled earlier order, dated 17.11.2016. In view of the same, in the considered opinion of this Court, the matter requires re-consideration by the respondent-GHMC authorities.

4. Accordingly, the Writ Petition is allowed, setting aside the letter bearing No.3/C12/07990/2017, dated 10.07.2017, and the matter is remitted to the GHMC for consideration afresh, in accordance with law, after taking into consideration the above said aspects. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

5. Consequently, miscellaneous petitions pending, if any, in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE A.V.SESHA SAI

Date : 16.10.2017
AMD

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