

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12824 of 2017

ORDER:

Heard the learned counsel for petitioners, learned Government Pleader for Municipal Administration (Telangana) appearing for 1st respondent, Sri P. Kesava Rao, learned Standing Counsel for GHMC appearing for respondents 2 & 3.

2. Petitioners' grievance in this Writ Petition is that the respondents are not granting construction permission in spite of the fact that they had applied for permission.

3. Sri P. Kesava Rao, learned Standing Counsel for GHMC, states that the Joint Collector, Ranga Reddy District had issued a letter addressing the Zonal Commissioner, West Zone, GHMC stating that the subject land is being litigated by the State in LGC No.102 of 1997 and not to grant building permissions.

4. It is not disputed that in the LGC No.102 of 1997, 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 petitioners 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, petitioners would not claim any equities or costs of the building constructed by him.

However, it is made clear that the learned counsel for the petitioners submits that his client shall not claim any equity and he shall also abide by the final decision that may be made by this Court in W.P.No.21582 of 2013 filed by the Government of Andhra Pradesh, challenging the order in L.G.C.No.102 of 1997.

In those circumstances, the writ petition is disposed of with a direction to the respondent authorities to process the application of the petitioners for consideration of the building permission 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 petitioners would not claim equities or costs of the building construction, in the event of the writ petition filed by the Government has been decided against them. It is also made clear that the permission is liable to be cancelled in the event of the writ petition filed by the Government is allowed without any further notice. No costs.

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

CHALLA KODANDA RAM,J

Date: 11.04.2017
Gk

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