

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7078 OF 2017

ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration for the 1st respondent and Sri Sampath Prabhakar Reddy, learned Standing Counsel for Respondents 2 and 3.

Petitioners' grievance in this Writ Petition is that the respondents are not granting them the construction permission in spite of their applying for the same.

Sri Sampath Prabhakar Reddy, learned Standing Counsel states that the Joint Collector, Ranga Reddy District had addressed the Zonal Commissioner, West Zone, Greater Hyderabad Municipal Corporation through the letter dated 31.10.2013 stating that since the subject land is being litigated by the State in LGC No.29 of 2006, no permission be granted in respect of the said land.

It is not disputed that in the LGC, initially, an order was passed in I.A.No.446 of 2006 on 31.08.2006 prohibiting alienation and permitting constructions by the persons having approved plans only, but the said order was set aside by this Court in Writ Petition No. 3973 of 2007 and batch on 02.03.2007. In Writ Petition No. 12861 of 2007, which arose 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 therein satisfying the requirements under Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and giving an undertaking that if the LGC pending before the Special Court

constituted under the A.P. Land Grabbing (Prohibition) Act, 1982 is decided against him, he would not claim any equities or costs of the building constructed by him.

Following the above-said orders, this Writ Petition is also disposed of directing Respondents 2 and 3 to consider the Application of the petitioners for grant of building permission in the subject land, within a period of eight weeks from the date of receipt of a copy of this order, subject to the condition that the petitioners satisfy the requirements under Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 and also subject to their giving an undertaking that they would not claim any equities or costs spent on the construction, in the event the LGC is decided against them, without reference to the letter dated 31.10.2013 of the Zonal Commissioner, GHMC, Hyderabad. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

1st March 2017

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