

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24348 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration & Urban Development (Telangana) for the first respondent, Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents 2 and 5 and learned Government Pleader for Revenue for respondents 3 and 4.

2. The petitioner's grievance in this writ petition is that the respondents are not granting him the construction permission in spite of his applying for the same.

3. Sri Sampath Prabhakar Reddy, learned Standing Counsel, states that the Joint Collector, Ranga Reddy District (4th respondent), had addressed the Zonal Commissioner, West Zone, Greater Hyderabad Municipal Corporation (5th respondent) 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.

4. 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 W.P.No.3973 of 2007 and batch on 02.03.2007. In W.P.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 the 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.

5. Following the above said orders, this Writ Petition is also disposed of directing respondents 2 and 5 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 the condition that the petitioner 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 LGC is decided against them, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, GHMC, Hyderabad. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO,J

Date: 24th July, 2017

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126**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.24348 of 2017**Date: 24th July, 2017

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