

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 6656 OF 2017

ORDER :

This Writ Petition has been filed seeking a *mandamus* to declare the action of the 4th respondent Chief City Planner, Greater Hyderabad Municipal Corporation in rejecting the Application of the petitioner dated 02.01.2016 for grant of occupancy certificate in respect of the building raised in plot No. 93 Part of Survey Nos. 163/1, 163/2, 165/1 and 165/2, Lalbahadur Nagar Colony, Mailardevpally Village, Rajendernagar Mandal, Ranga Reddy District, as illegal and arbitrary.

A counter-affidavit has been filed on behalf of Respondents 2 and 4.

Today, it is brought to the notice of this Court that the petitioner had addressed the letter dated 28.03.2017 to the 4th respondent which reads as under:

Dt. 28.03.2017

To
The Chief City Planner,
Town Planning Section,
Greater Hyderabad Municipal Corporation,
Tank Bund, Liberty Road,
Hyderabad.

Sir,

- Sub: GHMC – Town Planning Section – Issue of Occupancy Certificate for the construction made of Residential building consisting Cellar & Stilt for parking + 5 upper floors in Plot No. 93, Sy. No. 163/1, 163/2, 165/1 & 165/2 situated at Lal Bahadur Nagar Colony, Mailardevpally, Rajendernagar (M), Ranga Reddy District – Handing over area affected under road widening – Regarding.
- Ref: 1. Building Permit No. 30536/HO/SZ/Cir-6/2013, Dt. 27.12.2013 in File No. 78237/16/11/2012.
2. Our OC application vide CSC File No. 58277/02/01/2016/HO
3. Your OC rejection Lr.No. 58277/02/01/2016/HO, Dated 18.01.2016.

In the reference 1st cited, we have obtained building permission for construction of residential building consisting with cellar, stilt for parking + 5 upper floors in Plot No. 93, Sy.No. 163/1, 163/2, 165/1 & 165/2 situated at Lal Bahadur Nagar Colony, Mailardevpally, Rajendernagar (M), Ranga Reddy District and vide reference 2nd cited filed an OC application Dt. 02.01.2016 for issue of Occupancy Certificate, but vide reference 3rd cited our OC application has been rejected duly stating that the site towards eastern side was getting affected under 80' ft. wide road as per HADA Master plan.

Now, we are willing to handover the area affected under proposed 80' ft wide road towards eastern side of the site free of cost to a depth of 12' ft which is available on eastern side, without effecting the existing structures / apartment and also we herewith submitting our consent duly executing and undertaking.

Kindly accept the same and release the Occupancy Certificate at the earliest.

Yours faithfully,

Sd/-
(M. SATYANARAYANA)

Learned Standing Counsel for the Corporation Sri N. Ashok Kumar submits that in the light of the letter addressed by the petitioner dated 28.03.2017, the same will be considered and occupancy certificate will be granted in favour of the petitioner.

Inasmuch as the grievance of the petitioner stands redressed, on certain conditions, there is no necessity for this Court to express any opinion on merits. The Writ Petition is therefore, closed. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

CHALLA KODANDA RAM, J

12th April 2017

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