

**THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION No.38840 of 2017**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

**“For all the reasons stated above and those that may be urged at the time of hearing, the petitioner herein prays that the Hon’ble Court be pleased to declare the inaction of the respondents in not granting the building permission to the Writ Petitioner pursuant to the application dated 6/5/2017 as arbitrary, unjust and illegal and not discharging the duties under the provisions of Hyderabad Municipal Corporation Act and the Building bye-laws made thereunder, apart from being violative of Article 14, 19(1)(g) and 300-A of the Constitution of India and direct the Respondents to grant building permission pursuant to the application dated 6/5/2017 of the Writ Petitioner in a time bound manner by issuance of a Writ of Mandamus or any appropriate writ or order or direction as the Hon’ble Court may deem fit and proper in the circumstances of the case or else the Petitioner herein will be put to great hardship and suffer irreparable loss.”**

(Reproduced verbatim)

**2.** I have heard the submissions of Sri *Ch.Ramesh Babu*, learned counsel appearing for the petitioner, Sri *Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the respondents 1 & 2, and of the learned Government Pleader for Municipal Administration and Urban Development appearing for the 3<sup>rd</sup> respondent. I have perused the material record.

**3.** Learned counsel for the petitioner brings to the notice of the Court the order of this Court, dated 07.06.2013, in favour of the petitioner in W.P.No.16106 of 2004 and also the information obtained by the petitioner under the provisions of the Right to Information Act, 2005, from the Executive Engineer, Deemed Public Information Officer, Chandanagar, Division-21, West Zone, Greater

Hyderabad Municipal Corporation, dated 21.09.2017, whereby the petitioner was informed that GHMC will not construct compound wall to open plots/private properties. Having drawn the attention of this Court to the contents of the said two material documents, learned counsel for the petitioner would submit that if the petitioner's application, dated 06.05.2017, is disposed of, having regard to the said material documents and in strict accordance with procedure established by law, the ends of justice would be met.

4. However, learned Standing Counsel appearing for the 2<sup>nd</sup> respondent Municipal Corporation would submit that the compound wall in respect of the subject property was constructed by GHMC, but another wing of the Municipal Corporation might have furnished incorrect information, when information was sought under the provisions of the Right to Information Act.

5. In reply, learned counsel for the petitioner would submit that if the statement that the GHMC has constructed the compound wall in the subject property is true, the petitioner is prepared to reimburse the said expenditure for construction of the compound wall, if necessary.

6. Having regard to the submissions, the Writ Petition is disposed of directing the respondents 1 & 2 authorities to consider and dispose of the application, dated 06.05.2017, of the petitioner, within a period of five (05) weeks from the date of receipt of a copy of this order, however, in strict accordance with procedure established by law, however, having regard to the afore-stated material documents and submissions made before this Court,

which are recorded supra. And, the decision taken accordingly shall be communicated to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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**JUSTICE M. SEETHARAMA MURTI**

Date: 7<sup>th</sup> December, 2017

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