

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36350 of 2017

ORDER:

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

“ For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue Writ, Order, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing proceedings dated 19-10-2017 vide Lr.No.2/C12/13245/2017 and returning the petitioner's application for grant of permission for construction of a residential building consisting of Ground + 4 Upper Floors in respect of plot admeasuring 389 sq. yards bearing Plot Nos.801 in Sy.No.44/1 situated at Matrusri Cooperative Housing Board Society Ltd., Miyapur (V), Serilingampally (M), Ranga Reddy (D) thereby informing that the lands in Sy.No.44/1 are pending for adjudication in L.G.C.No.29 of 2006 before the A.P. Land Grabbing (Special Court) and insisting upon the petitioners to submit clarification/clearance from the Revenue Authorities/District Collector, Hyderabad for granting permission as being illegal, arbitrary and unconstitutional apart from being contrary to the provisions contemplated under the Hyderabad Municipal Corporation Act, 1955 especially Section 428 and in violation of the orders of this Hon'ble court in W.P.No.3973 of 2007 & batch and W.P.No.12861 of 2007 dated 16-11-2007 and consequently set aside the same directing the 1st respondent to consider the petitioner's application and release the sanction plan for construction of the building in the property and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Heard the submissions of *Sri V.M.M.Chary*, learned counsel appearing for the petitioner; the learned Government Pleader for Municipal Administration & Urban Development, appearing for the 1st respondent; and of *Sri Sampath Prabhakar Reddy*, learned Standing

Counsel, appearing for the respondents 2 and 3. I have perused the material record.

3. Learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 2 and 3 would submit that the issue involved in the present writ petition is squarely covered by the order, dated 31.03.2017, of this Court in Writ Petition No.11519 of 2017.

4. Having regard to the submissions, and for the reasons alike as were mentioned in the aforesaid order, dated 31.03.2017, this Writ Petition is disposed of directing the respondents 2 and 3 to consider the application of the petitioner for grant of building permission in the subject property within a period of eight weeks from the date of receipt of a copy of this order subject to the petitioner satisfying the requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955, and also giving an undertaking that he would not claim equities or costs of the building construction, in the event the LGC is decided against him, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

01st November, 2017
RAR

M. SEETHARAMA MURTI, J

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.36350 of 2017



01-11-2017

