

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.39885 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue an appropriate direction, order or writ more in the nature of Writ of Mandamus declaring the action of the Respondents 2 & 3 in insisting upon the No Objection Certificate from the Revenue Authorities for processing the application of the Petitioner from grant of building permission plot bearing no. 29 admeasuring 389 Sq. Yrds, situated at S. No. 44/1, Matrusri Cooperative House Building Society Ltd., Block 1 of Miyapur Village, Serilingampally, R.R. District for the application made in F. No. 2/C/12/11755/2017 on 01-09-2017 as being arbitrary and illegal and contravention of the earlier direction of this Honourable High Court in WP No. 12861/2007 & batch and consequently direct the Respondents 2 & 3 to forthwith grant the building permission without insisting upon the No Objection Certificate by Revenue Authorities and issue such other Writ or order or direction as deemed fit and proper in the circumstances of case.”

(Reproduced verbatim)

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

3. At the hearing, learned counsel for both sides are in agreement that the issue involved in the present writ petition is squarely covered by the decision rendered by this Court in W.P.No.15228 of 2016. A copy of the order, dated 27.04.2016, passed in the afore-stated writ petition is placed on record.

4. In view of the submissions and the earlier orders of this Court and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated writ petition, this Writ Petition is also disposed of directing the respondents to consider the application of the petitioner for granting building permission in accordance with law and without reference to the pending LGC No.29 of 2006. However, in the event the LGC case, which is pending before the Special Court, is decided against the petitioner, he shall not claim equities or compensation for the cost of the building constructed by him.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 28th November, 2017

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