

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40611 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 Writ, order or direction mostly one which is in the nature of a Writ of mandamus, declaring the action of the Respondents in not granting construction permission and approval for the construction of Residential Building with Stilt + 4 floors in an extent of 400 square yards in Plot No. 354 in Survey No. 44/1 of Mathrusri Co-operative House Building Society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District as illegal, arbitrary, contrary to the provisions of Greater Hyderabad Municipal Corporation Act and issue a consequential direction directing the Respondents to grant Residential Building Permission duly considering the application in Reference File Number 2/WZO/15499/2017, dated 15-11-2017 and pass such an order or orders as this Hon’ble may be deems fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Karri Murali Krishna*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, Sri *Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the respondents 2 & 5, and of the learned Government Pleader for Revenue appearing for the respondents 3 & 4. I have perused the material record.

3. At the time of hearing, learned counsel appearing for the petitioner and Sri *Sampath Prabhakar Reddy*, learned Standing Counsel appearing for the respondents 2 & 5 are in agreement that the issue involved in the present writ petition is squarely covered by the orders of this Court, dated 21.03.2017, in W.P.No.9936 of 2017.

A copy of the order of this Court 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 disposed of directing the respondents 2 & 5 to consider the application of the petitioner for grant of building permission in the subject land within a period of eight (08) weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying the requirements of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955, and also subject to the petitioner giving an undertaking that he would not claim any equities or costs of the building construction, in the event LGC is decided against the petitioner, 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.

JUSTICE M. SEETHARAMA MURTI

Date: 4th December, 2017

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