

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.44262 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim 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 order or direction, more particularly in the nature of writ of mandamus declaring the action of the respondents in refusing construction permission and approval for the construction of Building with stilt + 2 Upper Floors in respect of part of plot No. 622 to the total extent of 111.0 Square yards in Survey No. 44/1 of Matrusri co-operative house Building society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District vide shortfall Lr.NO. 3/C 12/15593/2017, dated 19-12-2017 as illegal, arbitrary, and contrary to the provisions of Greater Hyderabad Municipal corporation act and issue a consequential direction directing the respondents to grant Building permission duly considering the application of the petitioner in reference File No.3/C 12/15593/2017 dated 16-11 -2017, and pass such other or orders as this Hon’ble court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *S.Siva Prasad*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC), 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 hearing, it is submitted by the learned counsel appearing for the petitioner that the issue involved in the present writ petition is squarely covered by the order, dated 15.03.2017, of this Court in W.P.No.9035 of 2017. It is also submitted that following the said

order, this Court disposed of the writ petition in W.P.No.41607 of 2017, by orders, dated 13.12.2017. Copies of the orders of this Court in the afore-stated writ petitions are 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 petitions, this Writ Petition is also disposed of directing the respondents 2 to 5 to consider the application of the petitioner, dated 16.11.2017, 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 satisfying requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955, and also giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC has been decided against her, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, GHMC, Hyderabad.

Office is directed to enclose copies of the order, dated 15.03.2017, passed in W.P.No.9035 of 2017, and the order, dated 13.12.2017, passed in W.P.No.41607 of 2017, to this order.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

JUSTICE M. SEETHARAMA MURTI

Date: 26th December, 2017

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