

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.43480 of 2017

ORDER:

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

“... to issue an order or direction, more particularly in the nature of writ of mandamus declaring the action of the respondents in not granting permission and approval for the construction of Building with stilt + 4 Upper Floors in respect of plots No.400 B part and 401 to the extent of 400 Square yards in Survey No.44/1 of Matrusri co-operative house Building society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District, vide shortfall letter No.Lr.No.2/C12/16771/2017, dated 13-12-2017 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.2/C12/16771/2017 dated 29.11.2017 and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

At the hearing, learned counsel for the petitioner and the learned standing counsel representing the respondents 2 & 5 are in agreement that the issue involved in the present writ petition is squarely covered by the orders, dated 15.03.2017, of this Court, in W.P.No.9035 of 2017 and dated 07.11.2017 in WP.No.37258 of 2017. Copies of the afore-stated orders are placed on record.

Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated orders, this Writ Petition is also disposed of directing respondent Nos.2 and 5 to consider the application of the petitioner for grant of building permission in the subject land within a period of eight (8) weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying the requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and after giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event L.G.C. has to be decided against it, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

Office is directed to enclose a copy of the order, dated 15.03.2017, passed in W.P.No.9035 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.

M.SEETHARAMA MURTI, J

20.12.2017
Vjl