

WRIT PETITION No.1820 of 2018

ORDER:

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

“... to issue writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3<sup>rd</sup> respondent in issuing proceedings dated 07-01-2018 vide Lr.No.2/ C12/ 17491/ 2017 and returning the petitioners' application for grant of permission for construction of residential building consisting of stilt + 5 Upper Floors in respect of plot admeasuring 641.27 Sq meters on bearing plot Nos.902A, 902B and 903 in Sy.No.44/ 1 Situated at Matrusri Cooperative Housing Board Society Ltd., Miyapur (V) Serilingampally (M) Rangareddy (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) covered under u/s 22A of the Registration Act thereby insisting upon the petitioners to submit clarification from the Revenue Authorities/ District Collector Hyderabad for granting permission. The said action of the respondent is being challenged 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 Honourable court in W.P.No.3973 of 2007 and Batch and W.P.12861 of 2007 date 16-11-2007 and consequently set aside the same directing the 1<sup>st</sup> respondent to consider the petitioners' application and release the sanction plan for construction of the building in the property and pass such other or orders....”

2. Heard learned counsel for the petitioners, learned Government Pleaders for Municipal Administration and Revenue and Sri Sampath Prabhakar Reddy, learned Standing Counsel, who offers to file vakalat for the Greater Hyderabad Municipal Corporation, Hyderabad.

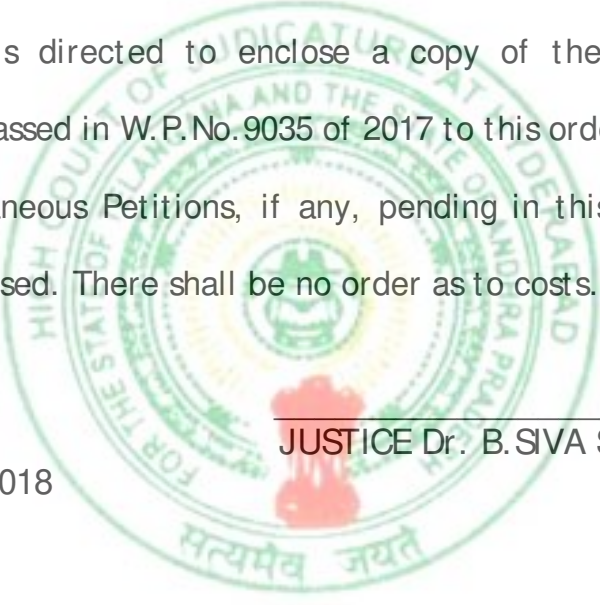
3. At the hearing, it is submitted that the issue involved in this Writ Petition is squarely covered by the order, dated 15.03.2017, of this Court, in W.P.No.9035 of 2017.

4. Having regard to the facts and submissions and for the reasons alike as were mentioned in the afore-stated order, this Writ Petition is also disposed of directing respondent Nos.1 and 3 to consider the

application of the petitioners 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 petitioners satisfying with the requirements of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and any other short falls and after giving an undertaking that they would not claim equities or costs of the building construction, in the event L.G.C. has to be decided against them, without regard to the letter, dated 31.10.2013, of the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

5. 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.

  
JUSTICE Dr. B.SIVA SANKARA RAO

Date: 24.01.2018  
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