

WRIT PETITION No.1788 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 especially one in the nature of Writ of Mandamus declaring the action of the respondents 2 & 5 in insisting to obtain No Objection Certificate in the shortfall letter dated 07/01/2018 for approval of the construction of the building in plot Nos.5 & 6 in Survey No.44/1 of Miyapur village, Serilingampally mandal as illegal and arbitrary and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act 1955 and consequently direct the respondents to grant permission for construction of building in plot Nos.5 & 6 in Survey No.44/1 of Miyapur village Serilingampally Mandal duly considering the application Reference file No.2/C12/16344/2017 without insisting no objection Certificate 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.2 and 5 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.

Date: 24.01.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

