

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.2038 of 2018

ORDER:

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

“.....to issue appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the letter No.2/C12/19021/2017 dated 7.1.2018, refusing to consider the application for permission for construction of Building in Plot No.227 situated in Mathrusri Nagar, Survey No.44/1, at Miyapur Village, Serlingampally Mandal, Ranga Reddy District in so far as insisting for No Objection Certificate from the District Collector on the ground of pendency of Land Grabbing Court Case as illegal, arbitrary and unjust and consequently direct the 2 and 3 respondents to consider the application of the Petition for construction of residential building made under File No.2/C12/19021/2017, without insisting for No Objection Certificate from the District Collector due to the pendency of Land Grabbing Court Case and pass such other order or orders as this Hon'ble Court may deem fit and property in the circumstances of the case.”

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Sri Sampath Prabhakar Reddy, learned Standing Counsel, who offers to file appearance 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 disposed of directing respondent Nos.2 and 3 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 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 07.01.2018, of the Joint Collector to Zonal Commissioner, Greater Hyderabad Municipal Corporation.

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 pending, if any, shall stand closed. No costs.

25th January 2018

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Dr. B. SIVA SANKARA RAO, J