

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9603 of 2009

O R D E R:

In this writ petition, petitioners challenge the proceedings, dated 19.01.2009, issued by respondent No.1-Greater Hyderabad Municipal Corporation rejecting the application submitted by petitioner No.1 seeking permission for construction of residential apartment in premises bearing H.No.42-598/3, plot No.3 in survey No.357/1 and 357/3, situated at Mehdijung Colony, Moulali, Malkajgiri, Ranga Reddy District.

On behalf of respondent Nos.1 to 3, a counter-affidavit is filed stating that the officials of the Corporation with the assistance of technical staff of HUDA inspected the subject site and found that the same is falling in the alignment of proposed 30 meters wide road as per the revised master plan of 2008 connecting the main road of E.C.I.L. opposite to G.H.M.C. Kapra Circle to Neredmet Junction and that though the petitioners have fulfilled the objections, the construction permission was not granted to them.

Learned counsel for the petitioners submits that respondent No.1 erred in rejecting the application of the petitioner No.1 on the ground that the subject premises is fallen on the road portion of the Master Plan and to prove the same, a copy of the Master Plan as approved by the Hyderabad Metropolitan Development Authority *vide* G.O.Ms.No.288, dated 03.04.2008, is placed on record. He also produced before this Court, the photographs evidencing that 30 feet road is existing elsewhere.

Learned Standing Counsel for the respondent Nos.1 to 4, on instructions, submits that the stand taken by the respondent authorities in the counter-affidavit is on account of oversight and there would be no impediment for reconsidering their proposal in accordance with the Rules in vogue, if the petitioners still desire to proceed with the construction.

Learned counsel for respondent No.4 submits that no relief was claimed by the petitioners against respondent No.4.

In the light of the above, the writ petition is disposed of permitting the petitioners to submit a revised plan to respondent No.1, which in turn shall consider the same and accord permission for construction, subject to the petitioners fulfilling the requirements, within a period of three months thereafter. Further, as it is stated that the petitioners paid necessary fee as required under the Regulations prevailing in 2008 for grant of construction permission, the respondent authorities shall not demand them for payment of permission charges, if any, at the enhanced rates and respondent No.1 shall pass necessary orders to that effect if required as eight years had elapsed from the date of denial of permission for construction.

Miscellaneous petitions, if any, pending in this writ petition shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:11.10.2018
kdl

