

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.12161 of 2014

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/ s:

“... to issue any appropriate Writ, order or direction, one more particularly one in the nature of writ of Mandamus

i) declaring the action of the respondent in initiating and conducting steps with regard to adjudging the correctness and validity of the building approvals granted to the petitioners prior to its constitution as illegal, arbitrary, unconstitutional and without jurisdiction and declare the proceedings in Lr.No.3888/EC/Plg/HMDA/2012, dated 21.03.2014 as illegal, arbitrary, unconstitutional and without jurisdiction and set aside the same and

ii) further, direct the respondents not to interfere with the rights of the petitioners in respect of their buildings in land totally admeasuring Ac.10-00 gts in Sy.Nos.483 (Ac.5-10 gts), 484 (Ac.2-03 gts), 486 (Ac.1-00 gts) and 489 (Ac.1-27 gts) situated at Dundigal village, Quthbullapur Mandal, Ranga Reddy District including by demolition or otherwise and pass such order or other orders..”

2. I have heard the submissions of the learned counsel for the petitioners, of the learned standing counsel appearing for the 1st respondent-HMDA, of the learned Government Pleader appearing for the 2nd respondent, and of the learned standing counsel appearing for the 3rd respondent. I have perused the material record.

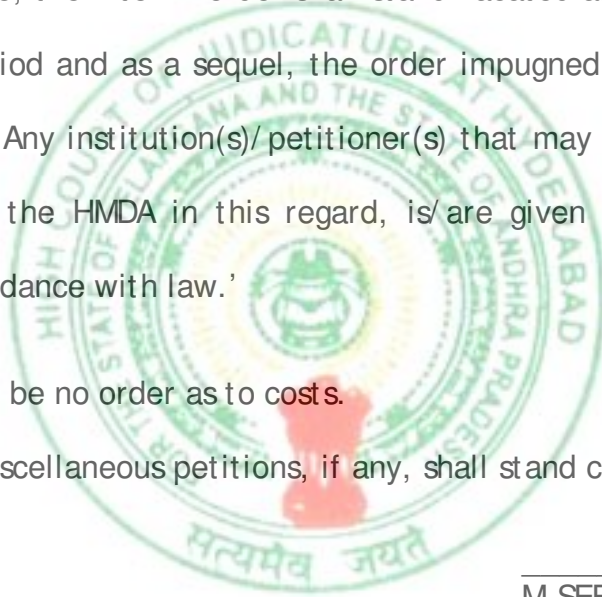
3. At the hearing, learned counsel for either side are in agreement that the issue involved in this writ petition is squarely covered by the order, dated 08.08.2017, of this Court in W.P.No.12165 of 2014 and batch.

4. Having regard to the submissions and for the reasons alike as were mentioned in the afore-said order, this Writ Petition is also disposed of, in terms of the afore-stated order, as follows: - ‘The petitioners are given liberty to file representations by attending to the defects pointed out by the HMDA along with objections, if any, in this regard. In cases where the constructions require change of use i.e., conservation to institutional or commercial or

residential, such institutions are given liberty to apply for conversion in the master plan to the present need of the petitioners and thereafter resubmit the applications. The petitioners are given liberty to resubmit the applications within three months from the date of receipt of a copy of this order. The 1st respondent shall consider the case of the petitioners and pass orders, if necessary, after affording opportunity to the petitioners. In the event the petitioners submit the applications as directed supra within the time of three months, the interim order granted by this Court shall be maintained till the order in this regard is passed by the 1st respondent and communicated. However, in the event of the petitioners' non submission of applications within three months time, the interim order shall stand vacated at the end of the said three months period and as a sequel, the order impugned in the writ petition shall hold good. Any institution(s)/petitioner(s) that may be aggrieved by the final decision of the HMDA in this regard, is/are given liberty to work out remedies in accordance with law.'

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.



M. SEETHARAMA MURTI, J

12.06.2018
VjI