

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.6249 of 2018

ORDER:

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

“.....to issue a Writ, Order or Direction more particularly one in the nature of WRIT of MANDAMUS to declare the action of the respondent Nos.2 and 3 herein in not considering the petitioner's building permission applications bearing No.2/C12/02355/2018, dated 04.02.2018 in respect of their house plots bearing No.29 and 30 situated in Survey No.44/1 of Miyapur Village, Serilingampally Mandal, Hyderabad as illegal, arbitrary and unconstitutional and contrary to the provisions of Greater Hyderabad Municipal Corporation Act and consequently direct the respondents to grant building permission duly considering the application of the petitioner without referred to the LGC No.29/2006 filed by the 4th respondent herein and pass such other order or orders as are deem fit and proper in the circumstances of the case.”

3. Heard learned counsel for the petitioners, learned Government Pleader 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.

4. 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.

5. 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 to 4 to consider the applications of the petitioners for grant of building permission in the subject property within a period of eight (8) weeks from the date of receipt of a copy of this order, subject to the petitioners satisfying the requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 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 reference to the letter, dated 31.01.2013, of the Joint Collector to Zonal Commissioner, Greater Hyderabad Municipal Corporation. 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.

26th February 2018

mar

Dr. B. SIVA SANKARA RAO, J