

WRIT PETITION No.6633 of 2018

ORDER:

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

“... to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus under Art.226 of the Constitution of India, declaring the action of the 3rd respondent in issuing proceedings dated 11-02-2018 vide Lr.No.2/ C12/ 02340/ 2018 and returning the petitioners' application for grant of permission for construction of a residential building consisting of stilt + 5 Upper Floors in respect of plot admeasuring 778 Square Yards or equivalent to 650.4 Square meters on bearing plot Nos.120(part), 120(Part) & 121 in Survey No.44/ 1 Situated at The Matrusri Cooperative Housing Board Society Ltd., Miyapur (V), Serilingampally (M), Rangareddy (D) thereby informing that the lands in Survey No.44/ 1 are pending for adjudication in L.G.C.No.29 of 2006 before the A.P.Land Grabbing (Special Court), covered under section 22A of the Registration Act thereby insisting upon the petitioners to submit clarification from the Revenue Authorities/ District Collector, Hyderabad for granting permission. The said action of the respondents is being challenged as being illegal, arbitrary and unconstitutional apart from being contrary to the provisions contemplated under the Hyderabad Municipal Corporation Act, 1955 especially section 428 and in violation of the orders of this Hon'ble Court in W.P.No.3973 of 2007 & Batch and W.P.12861 of 2007 dated 16-11-2007 and consequently set aside the same directing the 1st respondent to consider the petitioners' application and release the sanction plan for construction of the building in the property and pass such other...”

2. Heard learned counsel for the petitioners, learned Government Pleader for Revenue for respondent Nos.2 and 4 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent Nos.1 and 3.

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.1 and 3 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 the requirement of Section 428 of the 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 31.10.2013, 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.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 28.02.2018

pab

