

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.22289 of 2009

ORDER:

This writ petition is filed to declare the proceedings Lr.No.2629/BPS/C4/SZ/GHMC/2009 dated 12.10.2009 issued by the respondent rejecting the Application dated 30.4.2008 which was filed under G.O.Ms.No.901 M.A., dated 31.12.2007, as illegal and arbitrary.

The case of the petitioner is that she is the owner and possessor of premises bearing No.18-3-507/1 at Hamambowli, Laldarwaja, Hyderabad and that the same was acquired by virtue of a Gift Deed Doc.No.2087/2008 dated 8.4.2008 executed by her husband Sri M.Damodar Reddy; Sri M.Damodar Reddy purchased the said property from Smt. V.Chandrakala under agreement of sale dated 23.2.2007; the petitioner's husband has been paying property tax in the name of Sri Dharmaiah, who is the original owner of the said property; the petitioner made an application under G.O.Ms.No.901 M.A. dt.31.12.2007 for the purpose of regularization of additional construction that they have made; earlier a house was already existing with Municipal No.18-3-507/1 and in order to make additional constructions, they have

applied under the said G.O. seeking regularization; the petitioner sought no objection certificate; the District Collector had refused the same stating that the land is recorded as “Abadi” Land in the revenue records; the application is only in relation to constructions that has been made to the already existing building and that it is not open to the respondents to contend that the construction cannot be regularized to an existing building, which was already assigned municipal number.

Heard the learned counsel for the petitioner.

As seen from the impugned order dated 12.10.2009, the Office of the Collector, Hyderabad, informed the Commissioner, GHMC, stating that the subject land is classified as government land (GVM & G Abadi) and rejected no objection certificate to the husband of the petitioner. It is also mentioned in the impugned order that as the land in the premises is a government land, the request of the applicant is rejected.

After arguing the matter for some time, learned counsel for the petitioner submits that the petitioner again submitted a fresh application seeking regularization pursuant to G.O.Ms.No.128 dated 23.4.2015 and that the same is still pending before the respondent.

In view of the submission made by the learned counsel for the petitioner, the Writ Petition is disposed of directing the

respondents to consider the application filed by the petitioner, if any, and pass appropriate orders thereon, in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 13/11/2018

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