HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12161 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in physically interfering with the possession of the petitioner in plot No.19, Sy.No.74/4, East Marredpally, Secunderabad, as arbitrary and illegal and consequently to direct the respondents to accord building permission for construction of the building over plot No.19, Sy.No.74/4, East Marredpally, Secunderabad, including development thereof in terms of the order dated 20.11.95 in W.P.No.24079 of 1995.

Heard Sri K.Jagadishwar Reddy, learned counsel appearing for the petitioner and Sri Deepak Bhattacharjee, learned Standing Counsel appearing for the 1st respondent.

It is the case of the petitioner that he purchased 400 square yards of land in Plot No.19, Sy.No.74/4, situated at East Marredpally, Secunderabad Cantonment, by way of registered sale deed bearing No.1648 of 1984, dated 19.7.1984 from Vyjayanthi Housing Society Limited and thereafter, the petitioner has applied for grant of building permission. But the 1st respondent has rejected the same for want of No Objection Certificate. Under those set of circumstances, the present writ petition is filed.

While issuing Notice Before Admission, on 14.6.2007, this Court directed the respondents not to interfere with the possession of the petitioner in respect of plot in question without following due process of law.

Learned counsel appearing for the petitioner submits that in the counter filed by the respondents, it is stated that Land Grabbing Case No. 167 of 1997 was pending in respect of the said lay out and on that ground, the revenue authorities are not in a position to issue No Objection Certificate to the petitioner. Learned counsel further submits that the said Land Grabbing Case was closed and no proceedings are pending before the Land Grabbing Court.

If that being the case, it is always open for the petitioner to obtain No Objection Certificate from the revenue authorities after submitting the revised building permission plan to the 1st respondent and the 1st respondent would consider the same, and pass appropriate orders granting permission, if the petitioner fulfils all the conditions for grant of such permission.

Accordingly, the writ petition is disposed of directing the petitioner to submit a revised application form for construction of building within a period of two weeks from the date of receipt of a copy of this order. As and when such

application is received, the respondents shall consider the same and pass appropriate orders within a period of eight weeks thereafter, if the petitioner fulfils all the conditions. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI

17th April, 2018
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