

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.21981 of 2018

ORDER:

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

“For all the reasons stated in the accompanying affidavit, it is prayed that this Hon’ble Court may pleased to issue appropriate writ or direction more particularly one in the nature of writ of mandamus declaring the Lr.No.1/C21/11504/2018 dt. 22-6-2018 of the 2nd respondent refusing to consider the application for construction of the building on Plot No.613 in Survey No.44/1, at Matrusri Nagar, Miyapur Village, Serlingampally Mandal, Ranga Reddy District for the reason that LGC No. 29 of 2006 is pending before the Special Court as illegal, arbitrary and unjust and consequently direct the 2 and 3 respondents to consider the application of the Petitioner for construction of residential building made under File.No. 1/C21/11504/2018 without reference to the pendency of LGC 29/2006 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri *Srinivas Karra*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent; and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation appearing for the respondents 2 & 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner and the learned Standing Counsel for the respondents 2 & 3 are in agreement that the issue involved in this present writ petition is squarely covered by the orders, dated 07.11.2017, of this Court in W.P.No.37258 of 2017, which was passed following an order, dated

15.03.2017, of this Court in W.P.No.9035 of 2017. A copy of the order of this Court in W.P.No.37258 of 2017 is placed on record.

4. Having regard to the submissions and for the reasons alike as were mentioned in the afore-stated orders, this Writ Petition is also disposed of directing the respondents 2 & 3 to consider the application of the petitioner for grant of building permission in the subject property within a period of eight (08) weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying the requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955, and on the petitioner giving an undertaking that he would not claim equities or costs of the building construction, in the event L.G.C. is decided against him, without reference to the letter, dated 31.10.2013, of the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad.

Office is directed to enclose to this order, a copy of the order, dated 15.03.2017, passed in W.P.No.9035 of 2017.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

Date: 28th June, 2018

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