

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.31789 OF 2018

ORDER:

Heard learned counsel for the petitioner, Sri D.Prakash Reddy, learned Senior Counsel, appearing on behalf of the learned counsel for the petitioner, and Sri L.Venkateswara Rao, learned Standing Counsel for GHMC, apart from perusing the entire material on record.

Learned counsel for the petitioner submitted that the petitioner herein submitted an application, dated 04.06.2015, for building permission in respect of the premises bearing No.1-7-178 and 179, TS.No.35, Ward No.6-B, Block-I, Bakaram, Musheerabad, Hyderabad.

The grievance of the petitioner, in the present Writ Petition, is that, despite lapse of considerable length of time, the GHMC authorities are not processing the said application and not granting building permission in favour of the petitioner herein.

A perusal of the material available on record discloses, in clear and vivid terms, that the Building Committee also, in a meeting held on 07.06.2017, recommended for approval of the proposal. The same is evident from the letter, bearing No.No.25705/04/06/2015/HO, dated 07.07.2017. The reason,

obviously, for withholding the building permission, is that the GHMC sought remarks of the District Collector regarding status of the land in respect of the ownership, vide letter referred to supra.

It is submitted by the learned counsel for the petitioner that, in view of the law laid down by this Court, in **HYDERABAD POTTERIES PRIVATE LIMITED v. COLLECTOR, HYDERABAD DISTRICT AND ANOTHER¹**, the said course of action is impermissible and not authorised and the said legal position is not in dispute.

Having heard the learned counsel on either side, this Court finds no justification on the part of the respondent authorities in withholding the application for building permission.

For the aforesaid reasons, the Writ Petition is allowed, directing the respondent-GHMC to process the application of the petitioner, dated 04.06.2015, seeking building permission in respect of the premises bearing No.1-7-178 and 179, TS.No.35, Ward No.6-B, Block-I, Bakaram, Musheerabad, Hyderabad, and to pass final orders, as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

¹ 2001 (3) ALD 600

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

19th September, 2018
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A.V.SESHA SAI, J

