

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION NO. 33191 OF 2018

ORDER :

This Writ Petition is filed invoking the inherent jurisdiction of this Court under Article 226 of the Constitution of India seeking a writ of mandamus to declare the action of the respondents in refusing construction permission and approval for the construction of building with stilt + 5 upper floors in respect of Plot No. 402 to an extent of 400 sq.yards in survey No. 44/1 of Matrusri Co-operative House Building Society Limited, Miyapur village, Serilingampally Mandal, Ranga Reddy district vide short fall Lr.No. 1/HO/15863/2018, dated 22/8/2018 as illegal, arbitrary and contrary to the provisions of Greater Hyderabad Municipal Corporation Act and to issue a consequential direction to the respondents to grant building permission duly considering the application of the petitioner in reference File No. 1/HO/15863/2018, dated 18/8/2018 and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the respondent-Municipal Corporation.

3. When the matter is taken up, it is submitted by the learned counsel for the petitioner so also the learned Standing Counsel that the issue in the present writ petition is squarely covered by the order of this Court in WP.No. 9035 of 2017, dated 15/03/2017, and a copy of the said order is filed along with the writ petition as material paper. The operative portion of the said order reads as under :

“ Following the above orders, this writ petition is disposed of directing respondent Nos. 2 and 3 to consider the application of the petitioner 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 satisfying requirement of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and also giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC has been decided against him, without reference to the letter, dated 31/10/2013 of the Zonal Commissioner, GHMC, Hyderabad. There shall be no order as to costs.”

4. Following the above said order and for the reasons stated therein, this writ petition is also disposed of in terms thereof. No order as to costs.

5. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand disposed of.

JUSTICE A.V. SETHA SAI

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION NO. 33191 OF 2018



Circulation No. 288
Date: 17-09-2018
Court Master : I s L