

THE HONOURABLE SRI JUSTICE A. V. SESA SAI

WRIT PETITION No.36362 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration (Telangana) appearing for respondent No.1 and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC appearing for respondent Nos.2 and 3.

Petitioner's grievance in this writ petition is that the respondents are not granting construction permission in spite of the fact that he has applied for permission.

Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, states that the Joint Collector, Ranga Reddy District had addressed a letter dated 31.10.2013 to the Zonal Commissioner, West Zone, GHMC, stating that the subject land is being litigated by the State in LGC No.29 of 2006 and not to grant building permissions.

It is not disputed that in the LGC, initially an order was granted in I.A.No.446 of 2006 on 31.08.2006 prohibiting alienation and permitting constructions by only persons having approved plans, but the said order was set aside by this Court in W.P.No.3973 of 2007 and batch on 02.03.2007. In W.P.No.12861 of 2007 which is arising out of a claim by a person whose permission for construction in the subject land was rejected, this Court had passed orders on 16.11.2007 directing the respondents to consider grant of building permission, on the petitioner satisfying the requirements of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 (for short, 'GHMC Act') and giving an undertaking that in the event of LGC, pending before the Special Court instituted under the A.P. Land Grabbing (Prohibition) Act, 1982, has

been decided against him, the petitioner would not claim any equities or costs of the building constructed by him.

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 (08) weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying the requirements of Section 428 of GHMC Act and also giving an undertaking that he 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.

Miscellaneous petitions, if any, shall also stand disposed of.

08.10.2018
smr

JUSTICE A. V. SESA SAI

