

WRIT PETITION No. 38152 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the official respondents 1 to 3 in not initiating the required steps for petitioner's building permission to construct the fifth floor in the existing building of the petitioner, as illegal, arbitrary and consequently direct the respondents 1 to 3 to accord permission to construct 5th floor in the petitioner's existing building, bearing No.1-2-605/ 2/ 1, situated at Lower Tankbund, Hyderabad, consisting of stilt + four floor, as applied for and consequently permit the petitioner to proceed with the construction work of the fifth floor in the existing building.

2. On 06.11.2018, the Standing Counsel for Greater Hyderabad Municipal Corporation represented that the Committee sits on every Wednesday for considering the applications made for building approvals, and as such, requested time.

3. Today, when the matter is taken up for consideration, he placed on record the proceedings dated 14.11.2018 issued by the Commissioner, Town Planning Section, Greater Hyderabad Municipal Corporation in Lr.No. 1/ C9/ 09078/ 2018, wherein the authorities stated that the building permission for construction of the fifth floor in the existing building of the petitioner will be granted subject to collecting necessary fees and charges as per rules.

4. Having regard to the above, the present writ petition is disposed of with consent, directing the Greater Hyderabad Municipal Corporation to deal with the application of the petitioner seeking construction of fifth floor, in accordance with law, having regard to the recommendations made by the Committee, and pass appropriate orders within a period of four to six weeks from the date of receipt of a copy of this order.

5. Insofar as the civil suit is concerned, the Standing Counsel would submit that the authorities are not concerned with the same, since there is no application from anyone objecting for the same. But the instructions placed on record would show that O.S.No. 163 of 2018 is pending before the Court of the V Junior Civil Judge, City Civil Court, Hyderabad. In the said case, there is a direction to the defendant not to change the nature of the suit schedule property till 05.03.2018, which was extended till 04.04.2018. This is disputed by the counsel for the petitioner.

6. Having regard to the above, if any construction is made in violation of law/order, the petitioner has to face all the consequences. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

15.11.2018
DMG