

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 38607 of 2018

ORDER:

1) Heard learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing counsel appearing for respondent Nos.2 and 3.

2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondents in refusing construction permission and approval for the construction of building with stilt +5 upper floors in respect of plot Nos.796 and 797 in Survey No.44/ 1 of Matrusri Co-operative House Building Society Limited, Miyapur village, Serlingampally Mandal, Ranga Reddy District, vide shortfall letter No.2/ C21/ 20051/ 2018, dated 22.10.2018, as illegal and arbitrary.

3) Though various grounds are raised, learned counsel for the petitioner restricts his prayer seeking a direction to respondents No.2 and 3 to deal with the application made by the petitioner vide reference No.2/ C21/ 20051/ 2018, dated 20.10.2018, in accordance with law.

4) It is to be noted that under similar circumstances this Court, while disposing of W.P.No.14623 of 2018, passed the following order:

“Therefore, for the reasons alike, this Writ Petition is disposed of directing the 2nd respondent to consider the application of the petitioner for grant of building permission

in the subject land within a period of four weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 and also subject to the petitioner giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC No.29 of 2006 being decided against the petitioner, without reference to the letter dated 07.03.2018 of the Commissioner, GHMC, Hyderabad. There shall be no order as to costs”.

5) In view of the order passed in W.P.No.14623 of 2018, this writ petition is disposed of directing the 2nd respondent to consider the application dated 20.10.2018, made by the petitioner for grant of building permission in the subject land within a period of four weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 and also subject to the petitioner giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC No.29 of 2006 being decided against the petitioner, without reference to the letter dated 22.10.2018 of the Commissioner, GHMC, Hyderabad.

6) Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

26.10.2018
DMG