

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39869 of 2018

ORDER:

1) 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, 4 and 5 and learned Government Pleader for Revenue appearing for respondent No.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 No.202 and 203(part), in Survey No.44/1 situated at Miyapur village, Serilingampally mandal, Ranga Reddy District, vide shortfall letter No.2/C21/19237/2018, dated 11.10.2018, as illegal and arbitrary.

3) The grievance of the petitioner in this writ petition is that the respondents are not granting construction permission, inspite of the fact that he had applied for the same complying with all the requirements.

4) It is to be noted that under similar circumstances this Court, disposed of W.P.No.22280 of 2018, with the following direction:

“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 the Greater Hyderabad Municipal Corporation Act, 1955 and also giving an undertaking that he would not claim equities or costs of the building construction, in the event LGC No.29 of 2006 has been decided against the him, without reference to the letter dated 31.10.2013 of the Zonal Commissioner, GHMC, Hyderabad. There shall be no order as to costs”.

5) In view of the order passed in W.P.No.22280 of 2018, this writ petition is disposed of directing respondent Nos.2 and 3 to consider the application made by the petitioner for grant of building permission in the subject land, within a period of eight weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying the requirements of **Section 428** of the Greater Hyderabad Municipal Corporation Act, 1955 and 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 31.10.2013 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

06.11.2018
vhh