

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42111 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief:

“to issue an order or direction, more particularly in the nature of writ of mandamus declaring 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.429 to the extent of 525. Square yards in Survey No.44/1 of Matrusri co-operative house Building society Limited, Miyapur Village, Serilingampally Mandal, Ranga Reddy District vide shortfall Lr: 1/C21/20477/2018 dated 16-11-2018 as illegal, arbitrary, and contrary to the provisions of Greater Hyderabad Municipal corporation act and issue a consequential direction directing the respondents to grant Building permission duly considering the application of the petitioner in reference File No. 1/C21/20477/2018 dated 27-10-2018.”

2. I have heard the submissions of the learned counsel for the petitioner; of the learned Government Pleader for Municipal Administration and Urban Development (TG), appearing for the 1st respondent; and, of Sri Sampath Prabhakar Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, appearing for the respondents 2 and 5. I have perused the material record.

3. A joint representation is made stating that the issue raised in this writ petition is squarely covered by the order, dated 29.08.2016, of this Court in W.P.No.28525 of 2016. A copy of the said order is placed on record.

4. Therefore, for the reasons alike, as were mentioned in the aforestated order, this Writ Petition is disposed of, directing the 2nd respondent to consider the application of the petitioner for grant of building permission related to the subject property within a period of four (4) weeks from the date of receipt of a copy of this order, subject to the petitioner satisfying the requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955, and also subject to the petitioner giving an undertaking that the petitioner will not claim any equities or costs of the building, if any, constructed, in the event L.G.C.No.29 of 2006 is 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.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE M.SEETHARAMA MURTI

Date: 22.11.2018
AMD

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