

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42859 OF 2018

ORDER:

Heard Sri Polisetty Radhakrishna, learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel for Respondent No.2-Municipality.

According to the petitioner, he purchased an extent of 225 sq.yards of open plot bearing Plot No.163 in Sy.No.54 of Adan Colony, Jalpally Village, Balapur Mandal, Ranga Reddy District for a valuable consideration vide registered sale deed bearing document dated 29.1.2018. It is also the case of the petitioner herein that his vendor is having title by way of title deed issued by the revenue authorities prior to the cut of date 28.10.2015 as fixed in G.O.Ms.No.151 dated 2.11.2015 and the Revenue authorities also issued title deed and pattadar passbook in respect of the said land.

Admittedly, the petitioner herein purchased the plot in an unapproved layout. The grievance of the petitioner in the present writ petition is that the Respondent authorities are not accepting the application of the petitioner for grant of building permission on the ground that the subject plot falls under unapproved layout and is not recognized within the scheme introduced by the 1st respondent vide G.O.Ms.No.151 dated 2.11.2015.

During the course of arguments, it is brought to the notice of the Court that the Commissioner, Greater Hyderabad Municipal Corporation, in respect of unapproved layouts, issued Circular U.O.No.B/ 1545/TPS/ CCP/HO/GHMC/ 2016/485 dated 19/24.4.2017 and a copy of the same is placed on record by the learned counsel for petitioner as material paper and the said Memo reads as under:

“Building permission in such plots/sites may be considered by the Competent Authority (HMDA/GHMC) by collecting basis penalisation charges as per LRs – 2015 and 33% compounding fee on the same plus open space contribution charges (14%) on the present market value of the site/plot applied for Building Permission”.

It is very much evident from the above circular that the applications for building permissions can be considered by the competent authorities by collecting 33% compounding fee on the same plus open space contribution charges at 14% on the market value of the plot applied for building permission. The Government issued the said memo in respect of the plots/sites, for which no application under Land Regularisation Scheme was submitted. It is also very much evident from the reading of the above memo that the building application of the petitioner herein deserves to be considered in terms of the said circular dated 19/24.4.2017 subject to compliance of statutory requirements.

Accordingly, the writ petition is disposed of, directing the Respondent-Municipality to accept the application of the petitioner herein for building permission in terms of the Circular U.O. No.B/1545/TPS/CCP/HO/ GHMC/2016/485 dated 19/24.4.2017 issued by the Commissioner, Greater Hyderabad Municipal Corporation and pass appropriate orders, as per law. No order as to costs.

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

C. PRAVEEN KUMAR,J

Date:27.11.2018.
Gk

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