

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.43251 OF 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Corporation and Urban Development and learned Standing Counsel for GHMC.

2. The present writ petition came to be filed seeking issuance of writ of *Mandamus* declaring the letter No.2/C21/22128/2018, dated 22.11.2018, refusing to consider the application for construction of building in Plot Nos.631 and 632 situated at Mathrusri Colony, Survey No.44/1 at Miyapur Village, Serilingampally Mandal, Ranga Reddy District in so far as insisting for clearance certificate from the concerned authorities on the ground of pendency of Land Grabbing Court case as illegal, arbitrary and unjust and consequently, direct respondents 2 and 3 to consider the application of the petitioner for construction of residential building made under file No.2/C21/22128, without insisting for clearance certificate from the authorities due to the pendency of Land Grabbing Court case.

3. During the course of hearing, it is submitted that the issue involved in this writ petition is squarely covered by the order, dated 15.03.2017, of this Court, in W.P.No.9035 of 2017.

4. Having regard to the above, the Writ Petition is disposed of directing respondents 2 and 3 to consider the applications of the petitioner for grant of building permission in the subject lands as early as possible, subject to the petitioner satisfying the requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 and after giving an undertaking that the petitioner would not

claim equities or costs of the building construction, in the event L.G.C. has to be decided against them, without reference to the letter dated 31.10.2013, of the Joint Collector to the Zonal Commissioner, Greater Hyderabad Municipal Corporation, Hyderabad. No order as to costs.

5. Office is directed to enclose a copy of the order dated 15.03.2017, passed in W.P.No.9035 of 2017 to this order.

6. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order.

C. PRAVEEN KUMAR, J

Date: 29.11.2018.
kvrn

