

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 44424 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.

2. The case of the petitioner is that she purchased an open plot bearing Plot No.85 in Survey No.54 of Adnan Colony, Jalpally village Balapur mandal, Rangareddy District, Telangana State for a valuable consideration, vide registered sale deed document No.5904/2017, dated 26.09.2017. It is also the case of the petitioner that the revenue authorities also issued title deed and pattadar passbook in respect of the said land and she is in peaceful possession of the said land.

3. Admittedly, the petitioner purchased the plot in an unapproved layout. The grievance of the petitioner 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 recognised within the scheme introduced by the first respondent vide G.O.Ms.No.151, dated 02.11.2015.

4. During the course of arguments, it is brought to the notice of the Court that the State Government in respect of

unapproved layouts issued Memo No.2252/M1/2017, dated 28.04.2017. The said memo reads as under:

“Building permission in such plots/sites may be considered by the Competent Authority 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”.

5. 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 28.04.2017 subject to compliance of statutory requirements.

6. 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 Memo No.2252/M1/2017, dated 28.04.2017, issued by the first respondent and pass appropriate orders, in accordance with law.

7. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 06.12.2018

Note:

Issue CC by 10.12.2018

B/o.

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