

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1617 OF 2019

ORDER:

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

2. According to the petitioner, he purchased an extent of 266.66 square yards of open plot bearing No.353, in Survey No.1108/3 of Nirmal Town, Adilabad District, Telangana State, for a valuable consideration vide registered sale deed bearing document dated 12.02.2016. 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 off date 28.10.2015, as fixed in G.O.Ms.No.151, dated 02.11.2015 and the revenue authorities also issued title deed and pattadar passbook in respect of the said land.

3. 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 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 Commissioner, Greater Hyderabad Municipal Corporation, in respect of unapproved layouts, issued Circular U.O.No.B/1545/TPS/CCP/HO/GHMC/2016/485, dated 19/24.04.2017

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 penalization 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 Regularization 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 19/24/04/2017 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 Circular U.O.No.B/1545/TPS/CCP/HO/GHMC/2016/485, dated 19/24.04.2017 issued by the Commissioner, Greater Hyderabad Municipal Corporation and pass appropriate orders, as per law. No order as to costs.

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

CHALLA KODANDA RAM, J

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Dated : 01.02.2019

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