

HONOURABLE SRI JUSTICE SANJAY KUMAR

W R I T P E T I T I O N No.3868 OF 2019

O R D E R:

1 The prayer of the petitioners in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of mandamus challenging the actions of 2nd and 3rd respondents in refusing to grant final layout permission to proposed project of petitioners situated in Sy No 241 Bowrampet V Quthbullapur M Ranga Reddy Dist admeasuring an extent of Ac 7 30 Gnts vide Lr No 004731/MED/LT/U6/HMD/02112017 dt 18 02 2019 issued by 3rd respondent without reference to pendency of W P 44435 of 2017 as violative illegal and contrary to the provisions of HMDA Act 2008 besides being violative of Article 14 and 191g of the Constitution of India and consequently direct the 2nd respondent to grant the final layout approval in pursuance to App No 004731/MED/LT/U6/HMDA/02112017 dt 02 04 2018 and pass such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

2 By the impugned communication dated 18.02.2019, the Hyderabad Metropolitan Development Authority (HMDA), Hyderabad, informed the first petitioner–Firm that its application for grant of permission for a gated community layout in Sy.No.241 of Bowrampet Village, Dundigal / Gandimaisamma Mandal, Medchal-Malkajgiri District, could not be considered owing to the pendency of Writ Petition No.44435 of 2017.

3 Writ Petition No.44435 of 2017 was filed by the petitioners herein assailing the action of the Revenue Divisional Officer, Malkajgiri Division, Medchal-Malkajgiri District, in entertaining certain proceedings under the provisions of the Telangana Rights in Land and Pattadar Pass Books Act, 1971. The HMDA was not a party to the said Writ Petition.

4 However, it may be noted that by way of a separate order passed today, Writ Petition No.44435 of 2017 was dismissed as withdrawn. Therefore, the said Writ Petition is no longer pending consideration before this Court and it is not open to the HMDA to cite its pendency as a ground for not considering the application filed by the first petitioner – Firm.

5 The Writ Petition is accordingly disposed of directing the HMDA to consider the proposal of the first petitioner – Firm for a gated community

layout in Sy.No.241 of Bowrampet Village, Dundigal / Gandimaisamma Mandal, Medchal-Malkajgiri District, on its own merits and in accordance with law. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order, be it from whatever source.

6 Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

March 14, 2019.
Kvsn

