

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.4547 of 2019

ORDER:

The petitioner's building permission application dated 07.08.2018, was rejected by the respondent authorities vide letter dated 03.09.2018 quoting Government Memo No.2322/Plg.II(1)/2018, MA & UD Department, dated 05.03.2018.

It is the case of the petitioner that he made an application on 07.08.2018 seeking construction permission in Plot No.5, Survey No.100 (Part), of Kondapur Village, Serilingampally Mandal, Ranga Reddy District, but the authorities rejected his application under the guise of the aforestated G.O., though the said G.O. has no application to his case. It is his further case that the authorities have collected charges for regularisation under Land Regularisation Scheme way back in the year 2013, and have now arbitrarily rejected his application for building permission. He therefore prays to set aside the rejection letter dated 03.09.2018 and consequently direct the respondent authorities to grant construction permission.

Heard Sri M.P. Kashyap, learned counsel for the petitioner, and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC.

At the outset, it is to be noted that rejection of application for building permission by basing on a letter filed by some third party is totally illogical. If a third party has any claim with respect to the land over which LRS has been granted in favour of the petitioner, they are required to approach the authorities seeking cancellation of LRS granted in favour of the petitioner, and further they are also required to seek appropriate relief in the Civil Court. Even otherwise, factually in the present case, the claim of the

individuals objecting and who had written a letter through Chief Secretary, would show that their claim is with respect to Plot Nos.93 to 96 and 105 to 107. Further, their assertion as stated in the letter dated 03/04.04.2018 of the Commissioner, GHMC, is to the effect that the said individuals have purchased 10 plots in the layout and they had also constructed a compound wall in and around the plots and engaged security personnel to safeguard their plots. It is also their assertion that three suits viz., O.S.No.2600 of 2008, O.S.No.2670 of 2008 and O.S.No.111 of 2009 came to be filed in relation to their plots. Out of the three suits, one suit i.e., O.S.No.2600 of 2008 came to be dismissed and the others are pending.

All these facts would indicate that Plot No.5 which the petitioner claims to have purchased through a registered sale deed Document No.6850 of 1999 dated 11.10.1999 in the Office of District Registrar, Ranga Reddy District; and in which he seeks to construct building by obtaining construction permission, is different from the Plot numbers in the complaint. Even assuming the complaint dated 16.12.2017 and the endorsement dated 27.12.2017 are taken into consideration, the same do not relate to the petitioner's plot and, therefore, the rejection of petitioner's application for construction permission is not sustainable.

Accordingly, the writ petition is allowed, setting aside the rejection letter dated 03.09.2018. The 2nd respondent is directed to re-process the application of the petitioner for building permission in accordance with law. No costs. Miscellaneous petitions, if any pending, shall stand closed.

JUSTICE CHALLA KODANDA RAM

25th April, 2019
KSM

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