

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WP.No.5342 of 2019

ORDER

This writ petition is filed challenging Lr.No.3/C21/03049/2019, dated 06.03.2019, issued by the 3rd respondent, whereby application of the petitioner dated 15.02.2019 seeking permission for construction of building in the subject land was rejected on the ground of pendency of Land Grabbing Court Case No.29/2006, and also for a consequential direction to the respondents 2 and 3 to consider the application of the petitioner without reference to the pendency of Land Grabbing Court Case and also without reference to the impugned rejection order.

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration (Telangana) appearing for 1st respondent and Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC appearing for respondents 2 and 3.

Petitioner's grievance in this Writ Petition is that the 2nd respondent rejected the application submitted by the petitioner for construction permission, vide letter dated 06.03.2019 on the ground that Land Grabbing Court Case is pending against the subject land.

Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, states that the Joint Collector, Ranga Reddy District

had issued a letter dated 31.10.2013 addressing the Zonal Commissioner, West Zone, GHMC stating that the subject land is being litigated by the State in LGC No.29 of 2006 and not to grant building permissions.

It is not disputed that in the LGC, initially an order was granted in IA.No.446 of 2006 on 31.08.2006 prohibiting alienation and permitting constructions by only persons having approved plans but the said order was set aside by this Court in WP.No.3973 of 2007 and batch on 02.03.2007. In WP.No.12861 of 2007 which is arising out of a claim by a person whose permission for construction in the subject land was rejected, this Court had passed orders on 16.11.2007 directing the respondents to consider grant of building permission, on the petitioner satisfying the requirements of Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and giving an undertaking that in the event of LGC, pending before the Special Court instituted under the A.P.Land Grabbing (Prohibition) Act, 1982, has been decided against them, petitioner would not claim any equities or costs of the building constructed by them.

Following the above orders, this Writ Petition is disposed of directing respondent Nos.2 and 3 to consider the application of the petitioner for grant of building permission in the subject land within a period of eight (08) weeks from the date of receipt of a copy of this order, subject to satisfying requirement of

Section 428 of Greater Hyderabad Municipal Corporation Act, 1955 and also giving an undertaking that the petitioner would not claim equities or costs of the building construction, in the event LGC has been decided against them, without reference to the letter dated 31.10.2013 of the Zonal Commissioner, GHMC, Hyderabad. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dt.14.03.2019
tk.

CHALLA KODANDA RAM, J

