

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5391 of 2019

ORDER:

The petitioner challenges the Rejection Letter dated 22.02.2019, refusing to grant permission for construction of stilt plus two upper floors in Plot No.B-6, Survey Nos.194/8/1, situated at Hyderabad, falling within Circle 30 Begumpet. The Rejection Letter states that "*the site falls in open space use zone @ c-natural conservation (green buffer zone) as per existing master plan 2010. Hence the file may be rejected*".

Along with the writ petition, the petitioner filed a letter dated 11.05.2009 addressed to the petitioner by the Irrigation & CAD Department, wherein the Irrigation Department have opined that there is no objection for granting permission by the concerned authorities. The petitioner asserts that from the year 2009 to till date, there is no change with respect to the factum that the land of the petitioner, where the construction is being proposed, is outside the green buffer zone.

Though a counter affidavit is filed by the Deputy Commissioner Circle 30 Begumpet, the same does not disclose as to whether any information was sought from the Irrigation & CAD Department, as, in terms of Rule 3 of A.P. Building Rules, 2012, as applicable to the State of Telangana, notified under G.O.Ms.No.168 dated 07.04.2012, it is the Irrigation & CAD Department, and the Revenue Department, who can speak about a particular land falling within Green Buffer zone or not.

Accordingly, the writ petition is allowed, setting aside the impugned Rejection Letter dated 22.02.2019. The matter is remanded back to respondents 2 and 3, for reconsideration of the application of the petitioner, with a further direction to respondents 2 and 3 to obtain information, as may be necessary, from the Irrigation & CAD Department, and Revenue Department, in a time-bound manner, and pass necessary orders on the application of the petitioner. The entire exercise shall be completed within eight weeks from the date of receipt of a copy of this order. It is made clear that in the event of the Irrigation & CAD Department, and the Revenue Department, not responding to the request of the Corporation for providing information in a time bound manner, the respondents 2 and 3 shall nevertheless pass orders on the application of the petitioner, treating as if there would be no information forthcoming from the respective Departments and treating the same as 'No Objection' from the respective departments. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

31st October, 2019

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