

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 21188 of 2019

ORDER:

Heard learned counsel for the petitioner, learned Standing Counsel for Bharat Petroleum Corporation Limited, Hyderabad Metropolitan Development Authority and Badangpet Nagar Panchayat appearing for respondent Nos.1, 3 and 5 respectively and learned Government Pleader for Home appearing for respondent No. 2.

The petitioner asserts that she has been selected by respondent No.1 for setting up of retail outlet in the land covered by Survey No.346 of Balapur Village and Mandal, Ranga Reddy District. Her grievance is that by letter dated 03.06.2019, addressed to respondent No.1, respondent No.5-Commissioner, Badangpet Municipality, refused to grant permission for construction of retail outlet at the subject site.

It may be noted that as per G.O.Ms.No.393 dated 14.08.2013, no permission can be granted in respect of the land covered by the survey numbers of the Villages mentioned therein unless constructions to be made are 1500 meters away from RCI-DRDL Link Road.

Across the Bar, it is stated by the learned Standing Counsel appearing for respondent No.3 that though the petitioner addressed the aforesaid letter to respondent No.1 for grant of permission to construct retail outlet, as a matter of fact, respondent No.3 – Commissioner, HMDA, Hyderabad, is the authority to grant approval

therefor. Thereafter, the building permission can be granted by respondent No.5.

It is to be noted that the Government issued G.O.Ms.No.288 dated 03.04.2008, describing the uses permitted and prohibited in different categories of land. Further, a careful reading of G.O.Ms.No.393 dated 14.08.2013 leaves no manner of doubt that it is issued in supersession of G.O.Ms.No.288. As a matter of fact, initially, the Government issued G.O.Ms.No.393 and later, brought specific amendments by issuing a Memo dated 21.12.2009. In the circumstances, the question as to whether the proposed site satisfies the conditions laid down in G.O.Ms.No.393 or not requires to be considered by respondent No.3. Further, inasmuch as it is for respondent No.3 to grant approval in respect of the application of the petitioner, he shall take decision thereon in accordance with law and communicate the same to the authority concerned as well as the petitioner within two weeks from the date of receipt of a copy of this order.

With the above, the writ petition is disposed of.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:13.12.2019

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