

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.22329 OF 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons disclosed in the accompanying affidavit, it is prayed that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring action of Respondent in not granting Occupancy Certificate to the petitioner as per Section 455 of GHMC Act, as illegal and arbitrary and to consequently direct the respondent to forthwith grant Occupancy Certificate to the petitioner in respect of flats constructed by it in Sy No. 1009 of Kukatpally, Hyderabad by duly taking into account the Compliance Report filed by petitioner on 17-09-2019 and the reminder Dt. 01-10-2019; Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.”

2. Heard Sri N.Sreedhar Reddy, learned counsel appearing for the petitioner and Sri Sampath Prabhakar Reddy, learned standing counsel appearing for the respondent.

3. The case of the petitioner is that the petitioner firm, which is engaged in construction activity, has obtained building permission in the name of one M.Jagadeeshwar Rao, who is owner of the property bearing Survey No.1009, situated at Kukatpally, Hyderabad, for construction of residential apartments with two cellars, ground + five upper floors, with six flats in each floor, *vide* Permit No.53264/HO/WZ/CIR-14/2016, dated 13.06.2017, from the respondent *vide* File No.2584/10/01/2014/HQ.

4. The main grievance of the petitioner is that the petitioner has completed the construction work strictly in accordance with the sanctioned plan and made application *vide* File No.1/C24/14791/2019-OC for issuance of Occupancy Certificate so as to enable the purchasers of the respective flats to occupy the same, but the respondent has issued shortfall letter *vide* proceedings, dated 29.08.2019. In pursuance thereof, the petitioner has submitted a Compliance Report, dated 17.09.2019, to the respondent requesting to issue Occupancy Certificate in favour of the petitioner. The petitioner also submitted a remainder, dated 01.10.2019, requesting to issue Occupancy Certificate. In spite of the said Compliance Report received by the respondent on 17.09.2019, no steps have been taken by the respondent till date.

5. Having regard to the facts and circumstances of the case and without expressing any opinion on merits, the Writ Petition is disposed of directing the respondent to consider the representation of the petitioner seeking for issuance of Occupancy Certificate, in accordance with law, preferably within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

T.AMARNATH GOUD, J

Date: 15th October, 2019
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