

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24064 of 2019

ORDER:

In this Writ Petition, petitioner questions rejection letter dated 30.05.2018 rejecting its application for grant of permission for construction of residential building with respect to plot No.16 covered by Survey No.100 (Part) situated at Raghavendra Shelters, Kondapur Village, Serilingampally Mandal, Ranga Reddy District.

The objection mentioned in the impugned rejection letter is as follows:

“Objections (Title Document(s) Related):

1. Not submitted Latest Encumbrance Certificate issued by Registration Department.
2. Not submitted ULC Clearance

Remarks.

1. As suggested by ACP
2. The applicant has not submitted 1) ULC Clearance and 2) Latest Encumbrance Certificate issued by Registration Department. But as per the U.O. Note No.B/159/TPS/HO/GHMC/2018/164, Dt:27.03.2018, of Chief City Planner, Head Office, GHMC instructed that “Building Permissions/LRS/BRS applications in Sy.No.100 of Kondapur (V), Serilingampally (M), R.R. Dist situated at Raghavendra Shelters shall not be entertained till the dispute is cleared.” Hence the submitted proposal may be returned unapproved.”

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondent Nos.2 to 4

submits that there appears to be two layouts with respect to the land in Survey No.100, the one is sanctioned by the Gram Panchayat and the other by the Hyderabad Metropolitan Development Authority, and it is on account of such confusion, the application of the petitioner has been rejected.

As can be seen from the impugned rejection letter, rejection was not on the ground on which the learned Standing Counsel has submitted across the bar.

It is to be noted that the issue involved in this Writ Petition was dealt with by this Court in Writ Petition No.4547 of 2019 and this Court vide order dated 25.04.2019 allowed the same by setting aside the rejection letter impugned therein and by issuing a direction to the second respondent therein to reprocess the application of the petitioner therein for building permission in accordance with law.

It is well settled in the judgment of the Apex Court in **Mahender Singh Gill v. Chief Election Commissioner**¹ that the matter has to be judged basing on the contents of the order impugned, but, not on the supplementary or subsequent affidavits.

¹ 1978(1) SCC 405

In that view of the matter, submission of the learned Standing Counsel cannot be taken into consideration at this stage, as such, the impugned rejection letter is unsustainable.

Accordingly, this Writ Petition is allowed by setting aside the rejection letter dated 30.05.2018, and the respondents are directed to reprocess the application of the petitioner in accordance with law. It would be open for the respondents that if for any other valid reason, the application of the petitioner could not be considered, then, the same may be communicated to it so as to enable it to take appropriate steps in accordance with law.

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

CHALLA KODANDA RAM, J

13th NOVEMBER, 2019.

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