

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.25348 of 2019

ORDER :

This writ petition is filed challenging the proceedings in Application No.012588/ MED/ R1/ U6/ HMDA/ 11062018, dt.25.07.2019, issued by respondent No.4, whereby and whereunder the petitioners application to accord permission for construction of building in Plot No.5, in an extent of 266.66 sq. yards, Plot No.6 part (South Part) admeasuring 213.33 sq. yards, Plot No.10 part (South part) in an extent of 213.33 sq. yards and Plot No.11 in an extent of 266.66 sq. yards, total admeasuring 960 sq. yards in Sy.No.109, situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District (earlier Quthbullapur Mandal, Ranga Reddy District) was rejected.

Heard Sri I.V. Radhakrishna Murthy, learned counsel for the petitioners and Sri V. Narasimha Goud, learned Standing Counsel for HMDA.

Learned counsel for the petitioners submits that in the very same layout in respect of certain plots, the respondents have granted Building Permission to the applicants therein vide proceedings dt.21.06.2018. However, when the petitioners made application, even without issuing any notice, the application of the petitioners was rejected vide

proceedings dt.25.07.2019. It is also contended that in similar circumstances, this Court passed interim order dt.13.03.2017 in WPMP.No.8674 of 2017 in W.P.No.7061 of 2017 in favour of the petitioner therein.

On the other hand, the learned Standing Counsel for HMDA submits that the subject land was found to be a Government land and hence application of the petitioners for according permission for construction of Building was rejected.

In this case, it is to be seen that the petitioners claim that the subject land is a private land and in similar circumstances, this Court passed interim order dt.13.03.2017 in WPMP.No.8674 of 2017 in W.P.No.7061 of 2017 in favour of the petitioner therein. Further, before rejecting the application of the petitioners, the respondents ought to have issued notice to the petitioners, to enable them to come forward with relevant documents for grant of Building Permission over the subject land, moreso, when it is stated that similarly situated persons in the very same layout were granted building permission.

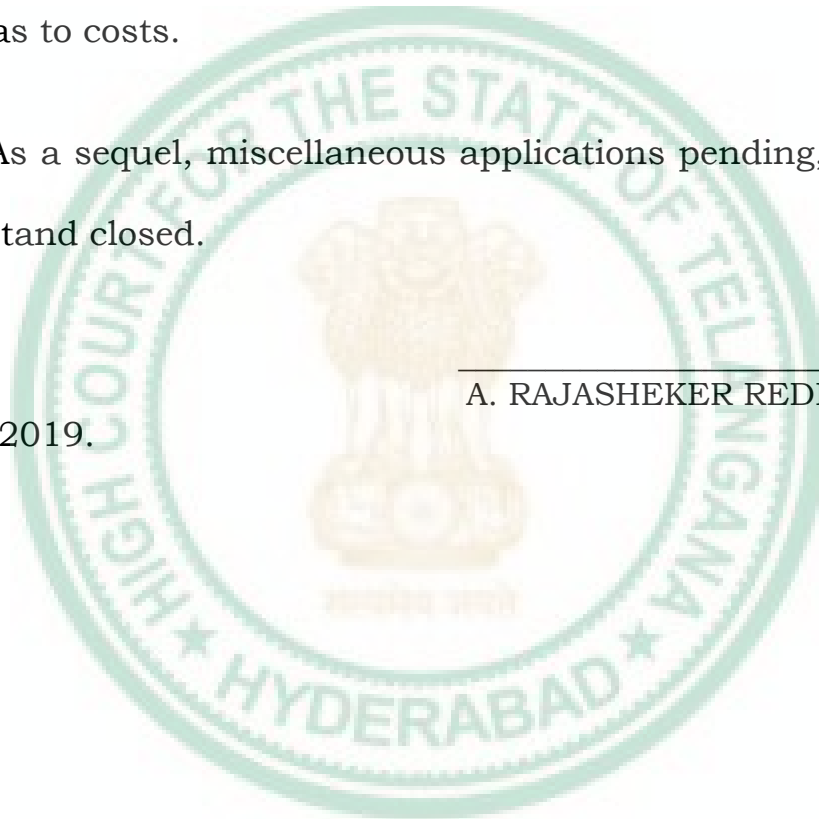
In view of the above facts and circumstances, this writ petition is allowed setting aside the impugned rejection order vide proceedings in Application No.012588/MED/R1/U6/HMDA/ 11062018, dt.25.07.2019, issued by respondent

No.4, with a direction to the competent authority to reconsider the application of the petitioners for Building Permission after issuing notice to the petitioners. It is open for the petitioners to place all the relevant material in support of their claim before the competent authority and the competent authority shall consider the same and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

26.11.2019.
Msr

A. RAJASHEKER REDDY, J



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26.11.2019
(Msr)