

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.No.406 of 2020

ORDER :

Heard learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel for Respondent No.2-Municipality.

2. According to the petitioner, he purchased an extent of 266.66 sq.yards of open plot bearing No.486 in Sy.No.674 situated at AN Reddy colony, Shastri Nagar, Nirmal, Adilabad for a valuation consideration vide registered sale deed bearing document No.4367/2019 dated 17.7.2019.

3. Admittedly, the petitioner herein purchased the plot in an unapproved layout. The grievance of the petitioner in the present writ petition is that the Respondent authorities are not accepting the application of the petitioner for grant of building permission on the ground that the subject plot falls under unapproved layout and is not recognised within the scheme introduced by the 1st respondent vide G.O.Ms.No.151 dated 2.11.2015.

4. During the course of arguments, it is brought to the notice of the Court that in respect of unapproved layouts, Government vide letter No.2252/2017 dated 6.4.2017 issued orders, a copy of the same is placed on record by the learned standing counsel for municipalities. The said letter reads as under:

“Building permission in such plots/sites may be considered by the Competent Authority (HMDA/GHMC) by collecting basic penalisation charges as per LRs – 2015 and 33% compounding fee on the same plus open space contribution charges (14%) on the present market value of the site/plot applied for Building Permission”.

5. This letter was addressed to Greater Hyderabad Municipal Corporation. Vide Memo No. 2252/M1/2017 dated 28.4.2017 said

orders are extended to all Local Bodies. Paragraphs 2 and 3 thereof read as under:

“2. Government after careful examination of the matter have extended the above orders to entire State i.e., all the Municipal Corporations/Municipalities / Nagar Panchayats and UDA areas.

3. Therefore, The Director Municipal Administration, Telangana, Hyderabad/ Director of Town and Country Planning, Telangana, Hyderabad/ Vice Chairmen of UDAs/ Commissioners of ULBs are requested to take necessary action accordingly as per the above orders.”

6. It is very much evident from the above orders that the applications for building permissions can be considered by the competent authorities by collecting 33% compounding fee on the same plus open space contribution charges at 14% on the market value of the plot applied for building permission. The Government issued the said memo in respect of the plots/sites, for which no application under Land Regularisation Scheme was submitted. It is also very much evident from the reading of the above memo that the building application of the petitioner herein deserves to be considered in terms of the said letter dated 6.4.2017 read with Memo dated 28.4.2017 subject to compliance of statutory requirements.

7. Accordingly, the writ petition is disposed of, directing the Respondent Municipality to receive the application of the petitioner herein for building permission, process the same duly taking note of the letter No.2252/2017 dated 6.4.2017 read with Memo No. 2252/M1/2017 dated 28.4.2017 issued by the Secretary to Government, Municipal Administration and Urban Development (M) Department and pass appropriate orders, as per law. As a sequel, the miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 10.1.2020
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