

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.2697 OF 2020

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned standing counsel appearing for respondent Nos.2 and 3.

2. The prayer sought in the writ petition is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent in issuing a letter Lr.No.3/C1/17967/2019, dated 01.11.2019 rejecting the petitioners application for sanction plan to construct a residential house on the ground that Sy.No.588, Kapra Village attracts ULC under Sec.10(6) of the ULC Act as illegal and arbitrary and set aside the same and further direct the respondents to grant permissions to both the petitioners for construction of houses pursuant to their applications in Plot No.3 in Sy.No.588 Part, Pradhamapuri Colony, Kapra Mandal, Medchal-Malkajgiri District and pass such other order or orders as may deem fit and proper in the circumstances of the case.'

3. During the course of hearing, the learned standing counsel placed on record the written instructions, dated 25.02.2020, issued by the Deputy Commissioner, Circle No.1, GHMC.

4. From the perusal of the said written instructions, it is revealed that the petitioners submitted an application seeking permission for construction of stilt + two upper floors in Plot No.3 (Part), Survey No.588 (Part) of Kapra Mandal situated at Pradhamapuri Colony, Kapra. The application submitted by the petitioners was examined as per the list furnished by the ULC Department. The land in Survey No.588 come within the ambit of Section 10(6) of the ULC Act and the possession of the said

land was already taken by the ULC Department. Therefore, the respondent – Corporation issued a shortfall letter, which is impugned in the present writ petition asking the petitioners to submit ULC clearance certificate. Even from the perusal of the impugned order, the application submitted by the petitioners was not rejected. In the impugned order, the petitioners were directed to upload the ULC clearance certificate for verification and to take further action in the matter.

5. In response to the said written instructions, learned counsel for the petitioners submits that the petitioners would submit an explanation enclosing all the relevant documents for considering their application for grant of permission in the subject plot. The learned counsel for the petitioners also submits that the explanation along with the relevant documents will be submitted within one week from today.

6. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the writ petition is liable to be closed.

7. Accordingly, the writ petition is closed with a direction to the respondent – Corporation to consider the explanation along with the enclosures that would be submitted by the petitioners and pass appropriate orders thereon within three weeks thereafter. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE P.KESHAVA RAO

Date: 26.02.2020
PGS