

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 3270 of 2020

ORDER:

This Writ Petition is filed seeking a mandamus to declare the inaction of the respondents in considering the building permission Application dated 06.01.2018 in respect of H.No. 6-86/1 part on plot No.7, admeasuring 275 square yards situated in Survey No. 63/1, Bapu Nagar, Serilingampally Village and Mandal, demanding to register gift deed over an extent of 45.4 square meters, as illegal and arbitrary.

Heard learned counsel for the petitioners as well as learned Standing Counsel for the Corporation Sri Sampath Prabhakar Reddy.

There is no dispute that the issue raised in this Writ Petition is squarely covered by the judgments of this Court in Writ Petition No. 34412 of 2014, dated 08.12.2014 and Writ Petition No. 6968 of 2020, dated 03.06.2020. In Writ Petition No. 34412 of 2014, the operative portion reads as under:

“ Therefore, the respondents are directed to initiate proceedings under Section 32 of the HMDA Act in accordance with the provisions of the 2013 Act, for acquisition of the portion of the land owned by the petitioner required by them for road widening and pay compensation to the petitioner. The requisition for the said purpose should be sent by the second respondent to the first respondent within a period of two weeks from the date of receipt of a copy of this order; the first respondent shall initiate the process for acquisition for road widening within a period of one month thereafter; and conclude the same within a period of three months. The respondents shall not insist on the petitioner surrendering the land required for road widening free of cost as a pre condition for considering her application for permission for

making construction in portion of her land unaffected by road widening of 30 feet.”

In Writ Petition No. 6968 of 2020, this Court ordered that:

“ In those circumstances, following the order dated 11.04.2014 passed by this Court in Writ Petition No.10465 of 2014, this Writ Petition is allowed and the ‘Shortfall Intimation Letter’ File No.3006/23235/W51/2020 dated 16.03.2020 is hereby set aside. Further, the petitioners are permitted to resubmit to the respondent authorities concerned the Application for grant of permission for making construction in the subject property in accordance with the existing Master Plan. Within four weeks thereafter, the respondent authorities concerned shall consider the same, keeping in view the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and the Rules and the Byelaws made thereunder, and take a decision in accordance with law and communicate the same to the petitioners. No costs.”

In the light of the law declared in the above-said judgments, the present Writ Petition is allowed directing the respondents to consider and process the Application of the petitioners for building permission dated 06.01.2018, without insisting on them to register gift deed with respect to 45.4 square meters. No costs.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

24th June 2020

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