

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION Nos.11437 of 2009 & 23664 of 2010

COMMON ORDER:

Since the issue involved and the parties to both these writ petitions are one and the same, both these writ petitions are taken up together and are being disposed of by this common order.

2. In W.P.No.11437 of 2009, the petitioners are challenging the proceedings of the respondent/Cantonment Board, Secunderabad, vide Lr.No.SCB/EB/OP/Sy.No.27/1/AOC Gate/1160/2029, dated 23.05.2009, whereby the request of petitioner No.1 for regularization of unauthorized constructions was rejected.

3. In W.P.No.23664 of 2010, the petitioners are challenging the proceedings of the respondent No.1/Cantonment Board, Secunderabad, vide Lr.No.Hs/UGD/2012, dated 23.08.2010, whereby, the permission for laying underground drains for disposal of effluents from the septic tank etc., from the premises of the petitioners in Sy.No.71/1, AOC Gate, Secunderabad, was cancelled.

4. Heard both sides. Perused the record.

5. During the course of submissions, the learned counsel for petitioners in both these writ petitions brought to the notice of this

Court that recently, the Respondent Board had passed a resolution on 17.12.2021, vide “Exclusion of certain areas of a building from calculation of FSI – Ref: CBR No.16, dated 17.12.2021” wherein, certain guidelines were approved with regard to exclusion of areas from the purview of FSI, keeping in view the necessity and utility to the main building. In view of the same, the petitioners in both these writ petitions intend to withdraw both these writ petitions with a liberty to make a fresh representation to the respondent Board in terms of the aforesaid resolution, dated 17.12.2021.

6. Sri K.R.Koteshwara Rao, learned Standing Counsel for Cantonment Board, Secunderabad, appearing for the respondents in both these writ petitions would submit that the property covered by these writ petitions consists of different blocks and hence, the petitioners are not entitled to make constructions over the said property, in view of the aforesaid resolution, dated 17.12.2021 also.

7. Refuting the said submission, the learned counsel for the petitioners in both these writ petitions would contend that the latest resolution, dated 17.12.2021, squarely applies to the facts of the cases on hand and the petitioners are entitled for the benefit

of said resolution and sought permission of this Court to withdraw both these writ petitions with a liberty as indicated above.

8. In view of these circumstances, both these writ petitions are dismissed as withdrawn, granting liberty to the petitioners to make a fresh representation to the respondent/Cantonment Board, Secunderabad, in terms of the Resolution, dated 17.12.2021, in accordance with the procedure established under law. It is needless to state that in the event of the petitioners making such an application, the respondent Board shall examine and dispose of the same, in accordance with law.

Miscellaneous petitions, if any, pending in both these writ petitions, shall stand closed. There shall be no order as to costs.

21st February, 2022
Bvv

Dr. SHAMEEM AKTHER, J