

**HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 29209 OF 2022

Between:

Y.R Murali, S/o. Late Y Ramakrishna. Aged 51 years, Occ Business, R/o Plot No.66, Siddartha Colony, Kapra, Medchal-Malakajiri District

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Municipality and Urban Development Department, Secretariat Buildings. Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep.Dy. Commissioner, GHMC, Kapra Division, Kapra, Medchal-Malkajiri District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue Writ of mandamus declaring the action of the respondent nos.2 in passing revocation letter (revocation of the building permission as per GHMC TS-bPASS Act) dated 17/06/2022 on the ground that the Survey number and the site is falls in Open space zone of petitioner from Plot bearing No.67, in Sy. No. 576 and 582, Admeasuring 275 SQ. Yards, situated at Sadana Vihar Colony, Padampuri Nagar, Kapra, Medchal-Malkajiri District, Plot No.2 and Plot No.7, in Sy No.584 and 585, Pushpanjali Enclave, Kapra, Medchal-Malkajiri District, without following the procedure contemplated under law as being illegal, arbitrary, unjust, improper and is in negation of the established Judicial Precedents besides in violation of Articles, 14,19, 21 and 300-A of the Constitution of India apart from in violation of principles of natural justice and fair play, consequently set-aside the revocation letter (revocation of the building permission as per GHMC TS-bPASS Act) dated 17/06/2022 on the ground that the Survey number and the site is falls in Open space zone of the aforesaid Plots of the petitioner.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the revocation letter (revocation of the building permission as per GHMC TS-bPASS Act) dated 17.06.2022 on the ground that the Survey number and the site is falls in Open space zone" of petitioner from Plot bearing No.67, in Sy. No. 576 and 582, Admeasuring 275 SQ. Yards, situated at Sadana Vihar Colony, Padampuri Nagar, Kapra, Medchal-Malkajgiri District, Plot No.2 and Plot No.7, in Sy No.584 and 585, Pushpanjali Enclave, Kapra, Medchal-Malkajgiri District, passed by the Respondent No.2 pending disposal of the above writ petition.

Counsel for the Petitioner: SRI G.ESWARAIAH

Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMN & URBAN DEV

Counsel for the Respondent No.2: SRI SAMPATH PRABHAKAR REDDY, SC

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.29209 of 2022

ORDER:

This Writ Petition is filed to declare the action of respondent No.2 in passing the revocation letter (revocation of the building permission as per GHMC Ts-bPASS Act) dated 17-06-2022 on the ground that the survey number and the site falls in open space zone of petitioner from plot bearing No.67 in Sy.Nos.576 and 582, admeasuring 275 sq. yards, situated at Sadana Vihar Colony, Padmapuri Nagar, Kapra, Medchal-Malkajgiri District, Plot No.2 and Plot No.7 in Sy.Nos.584 and 585, Pushpanjali Enclave, Kapra, Medchal-Malkajgiri District, without following the procedure contemplated under law as illegal and arbitrary.

2. Heard Mr. G. Eswaraiah, learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1 and Mr. Sampath Prabhakar Reddy, learned Standing Counsel for respondent No.2.

3. Learned counsel on either side submit that the issue in this Writ Petition is squarely covered by the order dated 13.12.2021 in Writ Petition No.20398 of 2021 and batch, wherein this Court

considered the issue at length and at paras 12 and 13 directed as under:

"12. In view of the above, this Court is of the opinion that in order to justify the action taken by the respondent authorities in revoking the building permission of the petitioners, they ought to have acted fairly and in strict adherence to the principles of natural justice. However, since the learned Special Government Pleader, on instructions, submitted that the impugned revocation letters passed against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, the said submission is placed on record. The impugned revocation letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, in terms of submissions made by the learned Special Government Pleader. The petitioners are directed to submit their explanations to the objections pointed out in the impugned revocation letters to the respondent authorities within a period of two weeks from today. On such submission of explanations by the petitioners, the respondent authorities are entitled to pass appropriate orders, in accordance with the provisions of TS-bPASS Act and the Rules made thereunder, within a period of one week from the date of receipt of such explanations. In case, if no orders are passed by the respondent authorities within the time indicated above, there shall be deemed approval of the applications of the petitioners filed for construction of buildings. It is made clear that until passing of orders by the respondent authorities within the time prescribed on the explanations submitted by the petitioners, the petitioners shall not proceed with any type of constructions in their respective subject lands.

13. As regards the contention of the learned counsel for the petitioner in W.P.No. 32665 of 2021 that the revocation order was passed without recording any objections, the respondent authorities are directed to bring the objections to the notice of the petitioner therein within a period of one week from today; and on receipt of such objections, the petitioner shall submit his explanation to the said objections within two weeks thereafter; and on submission of such explanation by the petitioner, the respondent authorities are entitled to

pass appropriate orders in accordance with the provisions of TS-bPASS Act and the Rules made thereunder within one week from the date of receipt of such explanation. In case, if no orders are passed by the respondent authorities within the time indicated above, there shall be deemed approval of the application of the petitioner filed for construction of building. It is made clear that until passing of orders by the respondent authorities within the time prescribed on the explanations submitted by the petitioner, the petitioner shall not proceed with any type of constructions in his subject land."

4. In view of the above, the Writ Petition is allowed setting aside the revocation order dated 17-06-2022. The respondents are directed to follow the guidelines / directions issued by this Court in Writ Petition No.20398 of 2021 and batch, dated 13.12.2021 and pass orders in accordance with law. There shall be no order as to costs.

5. Miscellaneous Applications, if any pending in this writ petition, shall stand automatically closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

GP
SECTION OFFICER

- To,
1. The Principal Secretary, Municipality and Urban Development Department, State of Telangana, Secretariat Buildings, Hyderabad.
 2. The Dy. Commissioner, Greater Hyderabad Municipal Corporation, GHMC, Kapra Division, Kapra, Medchal-Malkajgiri District.
 3. One CC to SRI G.ESWARAIAH, Advocate [OPUC]
 4. One CC to SRI SAMPATH PRABHAKAR REDDY, SC for GHMC [OPUC]
 5. Two CCs to the GP for Municipal Admn. & Urban Dev., High Court for the State of Telangana. [OUT]
 6. Two C.D. Copies
 7. One Spare Copy.
- MRC

SW

HIGH COURT

DATED:14/07/2022

CC TODAY

ORDER

WP.No.29209 of 2022



ALLOWING THE WRIT PETITION
WITHOUT COSTS

[Handwritten signature]
15/07/2022