

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.39726 of 2022

O R D E R:

This Writ Petition is filed seeking the following relief:

“... to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.2 in rejecting the building permission vide Lr.No. 006460/GHMC/3220/SEC2/2022-BP dated 4.7.2022 by the respondent No.2 for construction of residential building 1st stilt 4 upper floors situated at plot No.78 and 79 in survey No.562, 563 and 592 extent 700 sq.yards situated at NMDC colony, Malkajgiri, Greater Hyderabad Municipal corporation, Medchal Malakajgiri District on the ground that the proposed site affected in ULC and Wakf Land without issuing any notice and following the due process of law as arbitrary and illegal and in violation of the principles of natural justice and consequently set aside the same and direct the respondent No.3 to grant building permission and”.

2. Heard Mr. G. Madhusudhan Reddy, learned counsel for the petitioner and Mr. K. Ravinder Reddy, learned Standing Counsel for the respondent Municipality. Both the learned counsels 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Pleader, on instructions, submitted that the impugned revocation letters passed against the petitioners stand withdrawn to the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 The impugned revocation letters passed by the respondent authorities against the petitioners stand withdrawn to the extent of revocation of permission to construct buildings, in terms of submissions made by the learned Special Government Pleader.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.”

3. In view of the above, the Writ Petition is allowed setting aside the revocation orders dated 04.07.2022. 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.

4. The Miscellaneous Applications, if any shall stand automatically closed.

26th October, 2022

gvl

LALITHA KANNEGANTI, J