

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO: 44810 OF 2022

Between:

Devireddy Jagan Mohan Reddy, S/o. Devireddy Govind Reddy, Aged about 50 Yrs., Occ. Business, R/o. Flat No.402, Laxmi Towers, Annapurna Enclave, Chanda Nagar, Hyderabad Rep. by its Development Agreement-Cum-Irrevocable Power of Attorney Holder M/s. Apurva Infra, (A Partnership Firm), Having its office at H. No.8-1192, Shivaji Nagar, Secunderabad- 500 003. Rep. by its Managing Partner, Gunda Shashank, S/o. Late Gunda Suresh Kumar.

...Petitioner

AND

1. The State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad, Represented by its Commissioner.
3. The Zonal Commissioner, Secunderabad Zone, (GHMC) Circle No. 30, Begumpet, Hyderabad.
4. The City Planner, North Zone, Planning Section, Greater Hyderabad Municipal Corporation, Circle No.30, Begumpet, Hyderabad.

...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 a Writ, order or direction, one more particularly in the nature of a "Writ of Mandamus" declaring the action of Respondent No.3 herein in rejecting the Building Sanction Permission vide rejection letter Lr. No.012703/GHMC/6207/SEC2/2022-BP, dated 07/12/2022, as illegal, arbitrary and violative of Articles 14 and 300-A of Constitution of India and against the orders passed in WP. No.24127 of 2020 and consequently direct the 3rd and 4th Respondents to sanction the building permission to the Petitioner herein in File No.012703/GHMC/6207/SEC2/2022-BP, dated 02/12/2022.

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 direct the Respondent No.3 and 4 to reconsider the building permission submitted by the Petitioner herein vide File No.012703/GHMC/6207/SEC2/2022-BP, dated 02/12/2022, in the light of the order passed in W.P. No. 24127 of 2020.

Counsel for the Petitioner: SRI. P SRI HARSHA REDDY

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

**Counsel for the Respondent No.2 & 3: SRI K RAVINDER REDDY (Standing
Counsel for Municipal Corporation)**

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.44810 of 2022

O R D E R:

The writ petition is filed seeking the following relief:

".... to issue a Writ, order or direction, one more particularly in the nature of a Writ of Mandamus declaring the action of Respondent No.3 herein in rejecting the Building Sanction Permission vide rejection letter Lr. No.012703/GHMC/6207/SEC2/2022-BP dated 07.12.2022, as illegal, arbitrary and violative of Articles 14 and 300-A of Constitution of India and against the orders passed in W.P.No.24127 of 2020 and consequently direct the 3rd and 4th respondents to sanction the building permission to the Petitioner herein in File No.012703/GHMC/6207/SEC2/2022-BP, dated 02.12.2022 and ...".

2. Heard Mr. P. Sri Harsha Reddy, learned counsel for the petitioner and Mr. K. Ravinder Reddy, learned standing counsel for respondent municipal corporation. Both the learned counsel submit that the issue in this Writ Petition is squarely covered by the order dated 22.01.2021 passed in Writ Petition No.24127 of 2020, which was disposed of holding as under:

" Therefore, the impugned rejection letter dated 25.01.2020, is hereby set aside, and the matter is remanded back to the official respondents with a direction to reconsider the application of the petitioner for sanction of building permission, afresh, without reference to the rejection letter dated 25.01.2020, duly taking note of the above factual background and observations of this Court, as expeditiously as possible, preferably, within a

period of three weeks from the date of receipt of a copy of this order. However, it is made clear that any building permission granted by respondent-Corporation is subject to the final orders likely to be passed in W.P.No.19106 of 2010 pending before the Division Bench of this Court and the petitioner shall not claim any equities in case any adverse orders are passed against her in the above writ petition. In case of any alienation, the petitioner shall inform the purchaser about the pendency of the litigation and also that building permission granted by the GHMC is subject to the final orders likely to be passed in W.P.No.19106 of 2010 pending before the Division Bench of this Court, and such alienation made by the petitioner is also subject to the final result of the W.P.No.19106 of 2010".

3. In view of the above, the Writ Petition is disposed of setting aside the rejection letter dated 07.12.2022. The respondents are directed to follow the directions issued by this Court in Writ Petition No.24127 of 2020 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.

Sd/-L.SHIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
3. The Zonal Commissioner, Secunderabad Zone, (GHMC) Circle No. 30, Begumpet, Hyderabad.
4. The City Planner, North Zone, Planning Section, Greater Hyderabad Municipal Corporation, Circle No.30, Begumpet, Hyderabad.
5. One CC to SRI. P SRI HARSHA REDDY Advocate [OPUC]
6. One CC to SRI. K RAVINDER REDDY, Standing Counsel for Municipal Corporation, High Court for the State of Telangana, Hyderabad [OPUC]
7. Two CCs to GP FOR MCPL ADMN URBAN DEV, High Court for the State of Telangana. [OUT]
8. Two CD Copies

HIGH COURT

LK.J

DATED:14/12/2022

ORDER



WP.No.44810 of 2022

WRIT PETITION IS DISPOSED OF WITHOUT COST