

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

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO: 46623 OF 2022

Between:

1. G.V.D.K. Sastry, S/O G.V.V.Satyanarayana Aged about 51 years, Occ . Business R/O 34-130, Flat No 27, Krupa Krishna Apartment Pragathi Nilayam, Bharani Colony Tirumalagiri sainikpuri Hyderabad
2. Smt K.S.Suhasini, W/o G.V.D.K Sastry Aged about 44 years, Occ . Household R/O 34-130, Flat No 27, Krupa Krishna Apartment Pragathi Nilayam, Bharani Colony Tirumalagiri sainikpuri Hyderabad

...PETITIONERS

AND

1. The State of Telangana, Represented by Principal Secretary Municipal Administration and Urban Development Department Secretariat, Hyderabad, Telangana State 500022.
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, GHMC, Tank Bund Road Hyderabad
3. The Kapra Municipality, Rep by its Commissioner Kapra, Medchal-Malkajgiri District
4. The Deputy Commissioner, Circle-1 Kapra Municipality, Kapra, Medchal-Malkajgiri District
5. The Assistant City Planner, Circle-1 Kapra Municipality Kapra, Medchal-Malkajgiri 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 in the nature of Mandamus, declaring the Revocation Letter No 201714/GHMC/16504/2022 Dt 27-10-2022 issued by the Respondent No 4 thereby revoking the Building Permission Vide File No 201714/GHMC/16504/2022 Permit No 201714/9409/GHMC/2022 issued by the Respondent No 1 in favour of the petitioners for construction of Residential Building on Plot No 129C,D and 130C, D admeasuring 156.05 Sq Yds forming part of Sy Nos 591, 595 and 596 Eshwarpuri Colony Kapra Under GHMC as

illegal, arbitrary, contrary to law and violation of Article 300A of Constitution of India and principles of natural justice and set aside the same.

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 No 201714/GHMC/16504/2022 Dt 27-10-2022 issued by the Respondent No 4 thereby revoking the Building Permission Vide File No 201714/GHMC/16504/2022 Permit No 201714/9409/GHMC/2022 issued by the Respondent No 1 in favour of the petitioners for construction of Residential Building on Plot No 129C,D and 130C, D admeasuring 156.05 Sq Yds forming part of Sy Nos 591, 595 and 596 Eshwarpuri Colony Kapra Under GHMC pending disposal of the present Writ Petition.

Counsel for the Petitioner: SRI G.K. DESHPANDE

**Counsel for the Respondent No.1: GP FOR MUNICIPAL ADMINISTRATION AND
URBAN DEVELOPMENT**

Counsel for the Respondent No.2 to5: SRI M. DURGA PRASAD, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No.46623 of 2022

ORDER:

The writ petition is filed seeking the following relief:

"... to issue writ in the nature of Mandamus declaring the Revocation Letter No.201714/GHMC/16504/2022 Dt.27-10-2022 issued by the Respondent No.4 thereby revoking the Building Permission Vide File No. 201714/GHMC/16504/2022 Permit No.201714/9409/GHMC/2022 issued by the Respondent No.1 in favour of the petitioners for construction of Residential Building on Plot No.129C, D and 130C, D admeasuring 156.05 Sq.Yds forming part of Sy.Nos.591, 595 and 596, Eshwarpuri Colony, Kapra Under GHMC as illegal, arbitrary, contrary to law and violation of Article 300A of Constitution of India and principles of natural justice and set-aside the same and".

2. Mr. G.K. Deshpande, learned counsel for the petitioners submits that the petitioners are owners and possessors of subject property which was purchased by him through a registered sale deed dated 29.07.2022. He submits that the petitioners vendor has purchased the said property by way of registered sale deed on 19.03.2018. He submits that earlier, the predecessor in title has applied for regularization under LRS scheme and the same was granted on 12.07.2011. He submits that the regularization is effected after issuance of the requisite NOC from the Special officer and Competent authority, ULC, Hyderabad on 14.03.2007. It is stated that after purchasing the property, the petitioners have made an application for construction of building and without any notice and without any opportunity to the petitioners, the respondents have passed the impugned revocation

letter dated 27.10.2022 stating that the proposed site is falling in FTL/Buffer zone of Oora Cheruvu, Kapra.

3. Learned counsel for the petitioners submits that thereafter, the petitioner has submitted a representation to the respondents on 27.10.2022. He submits that when the respondents have regularized the said plot after receiving the necessary amount, now it is not open for them to say that the site falls under buffer zone.

4. Mr. M. Durga Prasad, learned standing counsel for the respondent municipality submits that a joint inspection of the municipality, revenue and irrigation was done and in the inspection, it is found that this land falls within the buffer zone, as such, they have issued the impugned letter rejecting the permission.

5. When the petitioners have made an application seeking building permission basing on a registered sale deed and the respondents have come to the conclusion that the site falls under buffer zone, they ought to have issued a notice to the petitioners and should have given an opportunity and admittedly, in the said survey, the petitioners have not participated and they have no knowledge about the same.

6. In view of the same, the impugned proceedings dated 27.10.2022 that were issued without notice to the petitioners are set aside and the respondents shall consider the reply of the petitioners dated 27.10.2022 and

pass appropriate orders in accordance with law and if required, an opportunity of personal hearing shall be given to the petitioners. The entire exercise shall be completed within a period of (4) weeks from the date of receipt of copy of the order. Until such time, the petitioners shall not make any construction.

7. Accordingly, the writ petition is allowed. There shall be no order as to costs.

The Miscellaneous Applications, if any shall stand automatically closed.

SD/-T.SRINIVAS
DEPUTY REGISTRAR

SECTION OFFICER

//TRUE COPY//

- To,
1. The Principal Secretary Municipal Administration and Urban Development Department, The State of Telangana, Secretariat, Hyderabad, Telangana State 500022.
 2. The Commissioner, The Greater Hyderabad Municipal Corporation, Tank Bund Road Hyderabad
 3. The Commissioner Kapra, The Kapra Municipality, Medchal-Malkajgiri District
 4. The Deputy Commissioner, Circle-1 Kapra Municipality, Kapra, Medchal-Malkajgiri District
 5. The Assistant City Planner, Circle-1 Kapra Municipality Kapra, Medchal-Malkajgiri District
 6. One CC to SRI G.K. DESHPANDE, Advocate [OPUC]
 7. One CC to SRI M. DURGA PRASAD, SC FOR GHMC, Advocate [OPUC]
 8. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, High Court for the State of Telangana. [OUT]
 9. Two CD Copies

BN
SB

HIGH COURT

DATED:30/12/2022

ORDER

WP.No.46623 of 2022



ALLOWING THE WRIT PETITION
WITHOUT COSTS

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[Signature]
09/01/2023