

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

**WEDNESDAY, THE TWENTY THIRD DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 29455 OF 2024

Between:

Nivee Property Developers Pvt. Ltd, Plot No. 46, No. 8-2-1090, Srinagar Colony, Hyderabad, Telangana - 500073, Rep. by its Authorized Signatory, Mr. E. Manoj Reddy.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration and Urban Development Dept., Secretariat Buildings, Hyderabad.
2. Hyderabad Metropolitan Development Authority, Rep. by its Commissioner, District Commercial Complex, Administrative L-Block, Tarnaka, 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 an appropriate writ or order or direction more in the nature of a writ of mandamus declaring the inaction of Respondents in failing to consider the Petitioners Notice of Completion/Application dated 08.03.2023 seeking issuance of Revision cum Final Layout and Occupancy Certificate as being arbitrary, illegal, in contravention of Telangana Building Rules, 2012 and in violation of Article 14 and 19 of the Constitution of India, 1950 and consequently direct Respondent No.2 to issue the Revision cum Final Layout and Occupancy Certificate to the Petitioner in respect of the Gated Community Villas and pass appropriate orders

IA NO: 1 OF 2024

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 Respondent No.2 to forthwith consider Petitioners Notice of Completion/Application dated 08.03.2023 and pass appropriate orders

**Counsel for the Petitioner: SRI. A. VENKATESH SENIOR COUNSEL REP
SRI SAI SANJAY SURANENI**

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

**Counsel for the Respondent No.2 : SRI V. NARASIMHA GOUD,
SC FOR HMDA**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.29455 of 2024

ORDER:

Heard Sri A.Venkatesh learned Senior Counsel representing Sri Sai Sanjay Suraneni, learned counsel for the petitioner and Sri V.Narasimha Goud, learned Standing counsel appearing for respondent No.2.

2. This Writ Petition is filed to declare the inaction of respondent No.2 in not considering the petitioner's notice of completion/application dated 08.03.2023 seeking issuance of Revision-cum-Final Layout and Occupancy Certificate, as illegal.

3. The petitioner had submitted a representation dated 08.03.2023 to respondent No.2 with a request to issue Revision-cum-Final layout and also Occupancy Certificate. The petitioner specifically submitted that it has completed the developmental activities strictly in accordance with the permission dated 06.01.2015 of respondent No.2 and completion certificate was also issued by architecture of the petitioner. Despite receiving and acknowledging the said

representation dated 08.03.2023, respondent No.2 did not act upon the same. Aggrieved by the said in action of respondent No.2, the petitioner filed the present Writ Petition.

4. Whereas Sri V.Narasimha Goud, learned Standing counsel appearing for respondent No.2 on instructions would submit that respondent No.2 will consider the said representation dated 08.03.2023 submitted by the petitioner and issue occupancy certificate strictly in accordance with law.

5. It is opt to note that Rule 26 of the Telangana Building Rules, 2012, issued vide G.O.Ms.No.168, MA&UD dated 07.04.2012, mandatorily requires respondent No.2 to issue occupancy certificate within 15 days. Whereas in the representation dated 08.03.2023, the petitioner has also sought for Revision-cum-Final layout and occupancy certificate.

6. In the light of the same, the Writ Petition is disposed of directing respondent No.2 to consider the representation dated 08.03.2023 and issue Revision-cum-Final lay out and Occupancy certificate strictly in accordance with the procedure laid down under law including Rule 26 of the said rule. If respondent No.2 is not inclined to accept the said request of the

petitioner, it shall pass a reasoned order and communicate the copy of the said order to the petitioner herein. It shall complete the said exercise within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-V.KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Dept., Secretariat Buildings, T.S., Hyderabad.
2. The Commissioner, Hyderabad Metropolitan Development Authority, District Commercial Complex, Administrative L-Block, Tarnaka, Hyderabad.
3. One CC to SRI. SAI SANJAY SURANENI, Advocate [OPUC]
4. One CC to SRI. V. NARASIMHA GOUD, SC FOR HMDA [OPUC]
5. Two CCs to GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

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HIGH COURT

DATED:23/10/2024

ORDER

WP.No.29455 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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29/12/24