

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND EIGHT

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY
WRIT PETITION NO : 18761 of 2008

Between:

- 1 L.Sudhakar S./o.Late L.V.Ratnam R/o.H.No.8-3-214/2/A,
Srinivasanagar (West) S.R.Nagar (PO), Hyderabad-38
 - 2 M.Ananthacharyulu S/o.Tirmalla Charyulu
R/o.MIG-146, Balaji Nagar, Kukatpally Hyderabad-72
 - 3 Smt.L.Sumati Devi W/o.Late N.D.Muralikrishna R/o.Flat
No.405, Sai
Surya Apartments Plot Nos.90 & 91, Rajiv Nagar,
Hyderabad-45
 - 4 L.Prabhakar S/o.Late L.V.Ratnam R/o.H.No.8-3-214/2/A,
Srinivasanagar (West) S.R.Nagar (PO), Hyderabad-38
- PETITIONERS**

AND

- 1 Greater Hyderabad Municipal Corporation, rep.by its
Deputy
Commissioner, Serilingampally, Hyderabad
 - 2 Greater Hyderabad Municipal Corporation, rep.by its
Commissioner,
Tank Bund, Hyderabad
 - 3 The Revenue Divisional Officer, Chevella Division
Attapur, R.R.District
 - 4 Hyderabad Urban Development Authority, rep.by its
Vice Chairman,
besides City Civil Court, Secunderabad
-RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not considering and granting the building permission to the petitioners in respect of their plot No.914, Plot No.562, plot No.673, all in Sy.No.44/1 situated at Miyapur village, and Plot No.759 in Sy.No.54 of Hafeezpet village, R.R.District , respectively, as arbitrary, illegal, and unconstitutional and consequently direct the 1st respondent to consider the applications of the petitioners dated 15.4.2008,16.4.2008, 15.4.2008 and 16.4.2008 respectively and grant building permission to

them in respect of their said plots, in the light of the Order dated 2.3.2007 passed in WP.No.3973 of 2007 and to pass

Counsel for the Petitioners: MR.P.SHIV KUMAR

Counsel for the Respondents: SMT.KALPANA EKBOTE

The Court made the following :

ORDER:

This writ petition has been filed by the petitioners, who are four in number, assailing the action of the first respondent in not granting building permission to the petitioners in respect of plot Nos.914, 562, 673 in S.No.44/1, situated at Miyapur Village and Plot No.759 in S.No.54 of Hafeezpet Village, as arbitrary and illegal.

The petitioners claim to have purchased house plots from the Matrusri Co-operative House Building Society Limited. They submitted applications to respondents 1 and 2 for sanction of building permission. The respondents did not pass any orders on their applications, presumably, on the ground that L.G.C.No.29/2006 filed by the Government is pending adjudication before the Special Court constituted under the A.P. Land Grabbing (Prohibition) Act, 1982. Hence this writ petition.

When the writ petition came up for admission, Smt. Kalpana Ekbote, learned Standing Counsel of Greater Hyderabad Municipal Corporation received notice on behalf of respondents 1 and 2 and Sri M. Surender Rao, learned Standing Counsel of Hyderabad Urban Development Authority received notice on behalf of respondent No.4.

Heard learned counsel appearing for the petitioners and learned Standing Counsel appearing for respondents 1, 2 and 4.

Learned counsel appearing for the petitioners submits that when some of the purchasers, who have purchased the house plots from the Matrusri Co-operative House Building Society Limited, approached the Greater Hyderabad Municipal Corporation, the Greater Hyderabad Municipal Corporation rejected their applications. Thereupon, the applicants approached this Court by filing writ petitions and their writ petitions came to be disposed of directing the Greater Hyderabad Municipal Corporation to consider their applications and pass appropriate orders.

The factual aspect of this Court directing the Greater Hyderabad Municipal Corporation to consider the building permission applications when the applications filed by some of the persons, who purchased the house plots from Matrusri Co-operative House Building Society Limited, is not disputed by the learned Standing Counsel appearing for the Corporation. One plot owner, namely, U.V.K. Subba Rao, filed W.P.No.12861 of 2007 and his writ petition came to be disposed of by order dated 16.11.2007 directing the Municipal Corporation to consider the application of the petitioner for granting building permission. Subsequently, similar order was passed in W.P.No.2287 of 2008 on 5.02.2008. The case of the petitioners herein stands on the same footing as that of the petitioners in W.P.No.12861 of 2007 and W.P.No.2287 of 2008.

In that view of the matter, the writ petition is disposed of directing respondents 1 and 2 to consider the building permission applications submitted by the petitioners in accordance with the provisions of the Hyderabad Municipal Corporation Act and the Rules framed

there under, and pass appropriate orders.

(B. Seshasayana Reddy, J.)

9th September, 2008

Note: C.C. in 2 days.
(B/o) Js.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 Greater Hyderabad Municipal Corporation, rep.by its
Deputy
Commissioner, Serilingampally, Hyderabad
- 2 Greater Hyderabad Municipal Corporation, rep.by its
Commissioner,
Tank Bund, Hyderabad
- 3 The Revenue Divisional Officer, Chevella Division
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- 5 2 CD copies.