

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER TWO THOUSAND AND
TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

IA No. 1 OF 2020

IN

WP NO: 15729 OF 2020

Between:

1. Smt. D. Syamala Devi, W/o. Sr. D. Ram Babu
2. Smt. K. Vijaya Kumari, W/o. Sri. K. Venkateswara Rao
3. Smt. Nanapaneni Suguna Kumari, W/o. Sri. N. Hari Babu
4. Smt. G. Vijaya Lakshmi, W/o. Sri. G. Shyam Prasad

Represented through their General Power of Attorney Holder, Sri. G. Shyam Prasad, Managing Partner, J.S. Constructions, aged about 56 years, R/o.3-3-59/3, Vivekananda Nagar Colony, Near Sumana Hospital, Kukatpally, Hyderabad-500072.

...Petitioners
(Petitioners in WP.No.15729 OF 2020
on the file of High Court)

AND

1. The Greater Hyderabad Municipal Corporation, Represented by its Commissioner, CC Complex, Tank Bund Road, Hyderabad – 500063.
2. Zonal Commissioner, The Greater Hyderabad Municipal Corporation Kukatpally Zone, Mossapet, Hyderabad.
3. The City Planner, Greater Hyderabad Municipal Corporation, Kukatpally Zone, Mossapet, Hyderabad.
4. The Asst. City Planner, Greater Hyderabad Municipal Corporation. Circle - 26, Kukatpally Zone, Gajularamaram, Hyderabad – 500063.
5. The State of Telangana, Rep. by its Principal Secretary, Municipal Administration Urban Department Secretariat, Hyderabad.

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioners : M/s K. MAMATA CHOUDARY

Counsel for the Respondent Nos.1 to 4 : SRI CHATLA MADHU

Counsel for the Respondent No.5 : GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to issue Occupancy Certificate to the petitioners building situated at Plot Nos.105, 106, 107 and 108/Part (South Side) in Survey No.222 of Gajularamaram, pending disposal of WP.No.15729 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Learned Counsel for petitioners submits that respondent authorities were issued short fall notice dated 26.08.2020, rejecting the petitioners' application for issuance of Occupancy Certificate in respect of subject property stating that *Status quo* order granted by this Court in CRP.No.168 of 2020 dated 13.03.2020, is operating in respect of land in Survey No.222 of Gajularamaram Village. He submits that petitioners are not parties to the said CRP and no interim order is operating against the petitioners; that the petitioners have already obtained building permission and completed the construction; and that after completion of construction when petitioners applied for Occupancy Certificate, respondents have issued notice dt.15.06.2020 to stop the construction and petitioners challenged the same by filing WP.No.10716 of 2020 and this Court passed order dated 21.07.2020 in IA.No.1 of 2020 suspending the said notice dt.15.06.2020. Thereafter, again when the petitioners applied for Occupancy Certificate along with required documents, the respondent authorities refused to grant Occupancy Certificate.

Sri Chatla Madhu learned Standing Counsel for respondent Corporation basing on the averments in counter submits that petitioners have completed the construction. But, however, due to *Status quo* granted in CRP.No.168 of 2020, Occupancy Certificate could not be issued.

In this case it is to be seen that the assertion of the petitioners is that they are not parties to the CRP.No.168 of 2020. But, the respondent authorities basing on the order of *Status quo* granted in the said CRP issued notice to the petitioner to stop the construction and the said notice is suspended by this Court in IA.No.1/2020 in WP.No.10716 of 2020 dated 21.07.2020, and construction is completed. But, once again, the respondent authorities refused to grant Occupancy Certificate on the same ground that this Court granted *Status quo* in CRP.No.168/2020, which is not permissible.

In view of the same, the respondent authorities are directed to consider the application of the petitioners for grant of Occupancy Certificate without reference to the order dated 13.03.2020 passed in CRP.No.168 of 2020.

SD/- .K.SHYLESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Commissioner, Greater Hyderabad Municipal Corporation, CC Complex, Tank Bund Road, Hyderabad – 500063.
2. The Zonal Commissioner, Greater Hyderabad Municipal Corporation Kukatpally Zone, Mossapet, Hyderabad.
3. The City Planner, Greater Hyderabad Municipal Corporation, Kukatpally Zone, Mossapet, Hyderabad.
4. The Asst. City Planner, Greater Hyderabad Municipal Corporation. Circle - 26, Kukatpally Zone, Gajularamaram, Hyderabad – 500063.
5. The Principal Secretary, Municipal Administration & Urban Development Department, State of Telangana, Secretariat, Hyderabad (RR 1 to 5 By RPAD).
6. One CC to M/s. K. MAMATA CHOUDARY, Advocate [OPUC].
7. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT, High Court for the State of Telangana at Hyderabad [OUT].
8. One spare copy
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HIGH COURT

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DATED:28/09/2020

ORDER

I.A.NO.1 OF 2020
IN
WP.No.15729 of 2020

STATUS QUO

