

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE ELEVENTH DAY OF OCTOBER

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 16444 OF 2023

Between:

CH. Satyanarayana, S/o. C. Vuyyuru

...Petitioner

AND

1. The State of Telangana, Rep by its Principal Secretary Revenue (U.C.I) Department, Secretariat Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tank Bund Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Rep by Deputy Commissioner, Circle No.20, GHMC Serilingampally Zone, Ranga Reddy District.
4. The Assistant City Planner, Serilingampally Zone Ranga Reddy District.
5. The Additional Collector Urban Land Ceiling and Competent Authority, Ranga Reddy District, 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 writ order or direction more particularly one in the nature of writ of Mandamus and declaring the action of the respondents No.2, 3 and 4 in issuing Show Cause Notice to the building permission of the petitioner vide the Show Cause Notice dated 06/06/2023 Vide Notice No.298254/GHMC/10454/2023 and consider the petitioner application for building permission inspite of orders of this Honble Court dated 28/03/2017 in WP.No.21580/2008 and WP.No.8469/2021 dated 06/04/2021 and WP.No.26072/2021 dated 28/10/2021 as being illegal arbitrary and violative of Articles 14, 21 and 300/A of Constitution of India and consequently set aside the above the Show Cause Notice dated 06/06/2023 Vide Notice No.298254/GHMC/10454/2023 issued by respondents 2, 3 and 4 and reconsider the building permission No.298254/5755/GHMC/2023 dated 03/06/2023 of the petitioner in respect of the H.No.1/111/C/60/52 on plot bearing No.52, (Type-C) in survey No.60, admeasuring 300 Sq.yds., situated at Kondapur Village, Serilingampally Mandal, GHMC Serilingampally Circle, Ranga Reddy District, and bounded by North: Plot No.53 (60/0), South: Plot No.51 (60/0), East: 30/0 wide road (45/0), West: Plot No.60 (45/0).

IA NO: 1 OF 2023

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 2, 3 and 4 to set aside the Show Cause Notice dated 06/06/2023 Vide Notice No.298254/GHMC/10454/2023 in respect of the H.No.1-111/C/60/52 on plot bearing No.52, (Type-C) in survey No.60, admeasuring 300 Sq.yds., situated at Kondapur Village, Serilingampally Mandal, GHMC Serilingampally Circle, Ranga Reddy District and bounded by North: Plot No.53 (60'-0"); South: Plot No. 51 (60'-0"); East 30'-0" wide road (45'-0"); West: Plot No.60 (45'/0"), pending disposal of WP.No.16444 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SMT. THAKUR ROOPA SINGH Advocate for the Petitioner, Mr. HARENDER PERSHAD learned Special Government Pleader for the Respondent Nos.1 and 5 and SRI. M.A.K. MUKHEED Advocate for the Respondent Nos.2 to 4, the Court made the following.

ORDER:

Heard learned counsel for the petitioner and Mr. Harender Pershad, learned Special Government Pleader.

Learned counsel for the petitioner relied upon the decision of this Court in WP.No.40134 of 2020 dated 03.11.2022.

The aforesaid writ petition was filed seeking direction to set aside the revocation of building permission vide letter dated 21.10.2002 and to direct the respondent authorities to reconsider the building permission granted to the petitioner. Learned Single Judge, taking into consideration the order passed by this Court in 21580 of 2008 and batch dated 28.03.2017 wherein it was held that the ULC proceedings are not applicable to the subject lands, directed the respondent authorities to process the application of the petitioner for building permission without insisting for NOC from the ULC authorities.

Learned counsel for the petitioner submitted that on similar terms orders may be passed in this writ petition.

In view of the fact that order dated 03.11.2022 was passed in WP.No.40134 of 2020 in similar circumstances, there shall be interim direction to the respondents No.2 to 4 to reconsider the building permission No.298254/5755/GHMC/2023 dated 03.06.2023 granted to the petitioner without insisting upon production of clearance certificate/NOC from the ULC authorities in respect of Plot bearing No.52 (Type-C), Sy.No.60, admeasuring 300 sq. yards, Kondapur Village, Serilingampally Mandal, GHMC Serilingampally Circle, Ranga Reddy District.

List on 20.11.2023.

SD/- P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary Revenue (U.C.I) Department, State of Telangana, Secretariat Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Circle No.20, GHMC Serilingampally Zone, Ranga Reddy District.
4. The Assistant City Planner, Serilingampally Zone Ranga Reddy District.
5. The Additional Collector Urban Land Ceiling and Competent Authority, Ranga Reddy District, Hyderabad (RR 1 to 5 by RPAD).
6. One CC to SMT. THAKUR ROOPA SINGH, Advocate [OPUC].
7. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
8. One spare copy
ZEE

HIGH COURT

BVRJ

DATED:11/10/2023



LIST ON 20.11.2023

ORDER

WP.No.16444 of 2023

INTERIM DIRECTION