

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 17539 OF 2024

Between:

Mr. Govardhan Vinod Kumar, S/o. Govardhan Krishnamurthy Naidu

...Petitioner

AND

1. State of Telangana, Rep by its Principal Secretary, (ULC) Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, Rep by its Commissioner, Tank Bund, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Rep by its Deputy Commissioner, Circle-20, Serilingampally, Hyderabad
4. 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 particularly one in the nature of Writ of Mandamus Declaring the action of respondent No.3 in not granting Permission / sanction for construction, on the ground that "the proposed site is covered by Government Land and has been entered in prohibitory watch register recording as ceiling surplus land and prime facie title is not established", is arbitrary legal, unconstitutional and contrary, and also against the catena of covered judgment of the High Court.

IA NO: 1 OF 2024

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 forthwith consider the application of the petitioner and grant permission, without insisting for ULC clearance proceeding or any other clearance or title, pending disposal of WP.No.17539 of 2024, 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 M/s. THOMAS JOSEPH LLOYD Advocate for the Petitioner, GP FOR LAND ACQUISITION for the Respondent Nos.1 and 4 and M/s. M.A.K. MUKHEED Advocate for the Respondent Nos.2 and 3, the Court made the following.

ORDER:

Mr. M.A.K. Mukheed, learned Standing Counsel accepts notice on behalf of respondent Nos.2 and 3 and seeks time to get instructions/file counter.

In similar circumstances, this Court vide order dated 27.3.2024 in W.P.No.8032 of 2024 granted interim order. Petitioner herein is also standing on the very same footing, to maintain parity, he is also entitled for the very same relief.

Learned Assistant Government Pleader for Assignment submitted that interim order may be passed with an observation that the same shall be subject to outcome of W.P.No.26830 of 2007 and that the writ petitioners shall not claim any equities.

Therefore, there shall be interim direction to respondent Nos.2 and 3 to reconsider the building permission No.65630/GHMC/7480/2021 dated 26.03.2024 of the petitioner without reference to the show cause notice No.65630/GHMC/7480/2021 dated 07.04.2024 and without insisting upon production of clearance certificate/NOC from the ULC authorities in respect of plot No.930/A, admeasuring 150 square yards, forming part of Sy.Noss.78 to 93, situated at Raja Rajeswara Nagar, Kondapur Village, Serilingampally, Ranga Reddy District. It is made clear that this order shall be subject to outcome of W.P.No.26830 of 2007. Further, the petitioner shall not claim any equities in the event of this writ petition being dismissed.

Registry is directed to print the name of Mr. M.A.K. Mukheed, learned Standing Counsel appearing for respondent Nos.2 and 3.

List on 20.08.2024 along with W.P.Nos.8032 of 2024, 18768 of 2011 and 26830 of 2007.

//TRUE COPY//

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, (ULC) 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-20, Serilingampally, Hyderabad
4. The Additional Collector, Urban Land Ceiling and Competent Authority, Ranga Reddy District, Hyderabad (RR 1 to 4 by RPAD).
5. One CC to M/s. THOMAS JOSEPH LLOYD, Advocate [OPUC].
6. One CC to M/s. M.A.K. MUKHEED, Advocate [OPUC].
7. Two CCs to GP FOR LAND ACQUISITION, High Court for the State of Telangana at Hyderabad [OUT].
8. One spare copy
ZEE

HIGH COURT

KLJ

DATED:05/07/2024

LIST ON 20.08.2024 ALONG WITH W.P.NOs.8032 OF 2024,
18768 OF 2011 AND 26830 OF 2007.

ORDER

WP.No.17539 of 2024

INTERIM DIRECTION

