

**THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY**

**Writ Petition No.28118 of 1996**

**Date:18<sup>th</sup> July, 2012**

**Between:**

Three Murthy Weaker Sections' Cooperative Housing Society Ltd. rep. by its Secretary Dr.D.Venkateswar Rao

..... **Petitioner**

AND

The Government of Andhra Pradesh rep. by its Secretary, Revenue Department, Hyderabad & Ors.

..... **Respondents**

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**ORDER:**

The action of the respondents in not processing the building permission applications submitted by the members of the petitioner Society is assailed in this Writ Petition.

2. The petitioner Society purchased Ac.8.00 out of Ac.10.07 guntas of land comprising Survey No.74/8 situated at Maredpally in Secunderabad Cantonment under a registered sale deed, dated 31.05.1978 from the legal heirs of Nawab Mansab Jung Bahadur; the petitioner Society also purchased Ac.30.00 of land comprising Survey No.74/12 from Kilaru Venkata Subbaiah and others, who in turn purchased the said land from Sri Wailiullah Hussaini under a registered sale deed, dated 22.05.1965, and Ac.9.33 guntas of land from M.Rama Mohan Rao, who in turn purchased the said land under a registered sale deed, dated 20.01.1972.

The petitioner Society obtained necessary permissions under the Urban Land (Ceiling and Regulation) Act, 1975. The cantonment Board-4<sup>th</sup> respondent released revised lay out plan in CBR No.2(10), dated 05.06.1990. As per the revised lay out plan, the petitioner Society allotted plots to its members and executed sale deeds in favour of the allottees. When the members of the petitioner Society approached the 4<sup>th</sup> respondent for permission for construction of houses, their applications are not being processed. Therefore, the petitioner Society approached this Court invoking jurisdiction under Article 226 of the Constitution of India seeking *mandamus* declaring the action of the 4<sup>th</sup> respondent in not processing the building permission applications submitted by its members as arbitrary and illegal.

3. *Rule Nisi* came to be issued on 31.12.1996. An interim order came to be passed on 20.02.1998 vide WPMP No.34721 of 1996, directing the respondents to accord building permissions to the members of the petitioner Society in accordance with the relevant rules in force.

4. The respondents have not filed any counter-affidavit.

5. Heard learned counsel appearing for the petitioner Society and perused the material brought on record.

6. It is contended by the learned counsel appearing for the petitioner Society that pursuant to the interim order, dated 20.02.1998, passed by this Court, building permissions to the members of the petitioner Society have been processed and necessary permissions have been accorded.

7. Since the members of the petitioner Society got necessary permissions from the respondents for construction of houses in the plots allotted to them by the petitioner Society, nothing survives for adjudication in this Writ Petition.

8. Accordingly, the Writ Petition is disposed of making the interim

order, dated 20.02.1998, passed in WPMP No.34721 of 1996, as absolute. No costs.

**B.SESHASAYANA REDDY, J.**

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