

IN THE HIGH COURT OF TELANGANA AT HYDERABAD**WRIT PETITION No.33343 OF 2013****Between:**

Dilshad Jah

... Petitioner

And

Government of India and another

... Respondents

JUDGMENT PRONOUNCED ON: 21.12.2023**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be
marked to Law Reporters/Journals? : yes
3. Whether Their Lordships wish to
see the fair copy of the Judgment? : yes

SUREPALLI NANDA, J**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

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> Head Note:

! Counsel for the Petitioner : Mr Kishor Rai

^ Counsel for Respondents : Mr K.Arvind Kumar

? Cases Referred:

2011(5) ad 626

HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P. No. 33343 of 2013**ORDER:**

Heard the Senior Designated counsel Mr Kishore Rai, appearing on behalf of the petitioners and Mr K.Arvind Kumar, learned counsel for Central Government appearing on behalf of the respondents.

2. This writ petition is filed to issue an appropriate writ direction or order more particularly a writ of Mandamus declaring the action of the second respondent in restricting the Security Clearance for construction of residential houses in the property i.e land admeasuring Ac.1.25.75 Guntas in Sy No 90/P situated at Bandlaguda Village, Rajendernagar Mandal, Ranga Reddy District to Ground floor as arbitrary, discriminatory, illegal, null and void and without jurisdiction and consequentially, direct the Second Respondent to consider the Security Clearance for construction of the Ground Plus 2 Upper Floors for residential houses in the property i e land admeasuring 1 Acres 25.75 Guntas in Sy No 90/P situated at Bandlaguda Village, Rajendernagar Mandal, Ranga Reddy District.

3. The case of the petitioner, in brief, as per the averments made in the affidavit filed in support of the present writ petition is as under:

a) The petitioner is the absolute owner and possessor of land admeasuring Ac.1.25.75 guntas in Survey No.90/P situated at Bandlaguda Village, Rajendernagar Mandal, Ranga Reddy District having purchased the same by and under registered deed of sale deed dated 02.12.2004 bearing document No.16685 of 2006. The petitioner had executed an agreement of sale cum General Power of Attorney with possession infavour of Sri B.H.Ravikumar and Syed Shah Mahmood Hussaini vide document dated 05.06.2007 bearing document No.5692 of 2007.

b) It is the specific case of the petitioner that the property owned by the petitioners is a patta land and the revenue authority have issued patta to the petitioners vide pattadar passbook No.498765 bearing Patta No.230 and title deed No.498766 issued by the Special Grade Collector and Revenue Divisional Officer, Chevella Division, Ranga Reddy District and the Deputy

Collector and Mandal Revenue Officer, Rajendernagar Mandal, Rangareddy District had by proceedings No.B/5/2007, dated 30th March, 2007 mutated the name of the petitioner in pursuance of the sale deed and the petitioner to develop the property owned by the petitioner had applied to the Grampanchayat, Bandlaguda, Rajendranagar, Ranga Reddy District and obtained sanction for construction of 17 Duplex Villas vide permission dated 05.01.2011. The petitioner before purchase of the property inspected the No objection Certificate issued by the 2nd respondent to the vendor of the petitioner, whereunder the 2nd respondent vide letter dated 29.05.2006 reported no objection for construction of residential houses in the property covered by SurveyNo.90 (part) of Bandlaguda Village, subject to the condition that the building shall be constructed in accordance with approved plan.

c) It is further the case of the petitioner, that while the construction is in progress, the officials of the 2nd respondent had in first week of January, 2013 come over to the site and requested for the building

permission which was already displayed over the site but still the petitioner had furnished a copy of the sanctioned plan to the officials of the 2nd respondent in January, 2013 itself on 18.01.2013 the officials of the 2nd respondent once again came to the site and called upon the petitioner to obtain no objection from the 2nd respondent for construction over the property belonging to the petitioner though the petitioner had shown the no objection certificate already issued to the vendors of the petitioner still the 2nd respondent called upon the petitioner to obtain NOC in the name of the petitioner. The Grampanchayat vide letter dated 07.02.2013 requested for grant of NOC to the 2nd respondent for construction of residential houses in patta lands of the petitioners comprising of ground plus two upper floors. The 2nd respondent after sitting over the file for eight months granted security clearance on 14.08.2013.

d) It is further the specific case of the petitioners that the lands in Survey No.90 are developed and there are multiple residential complex comprising of ground

plus five upper floors in the said survey number. The 2nd respondent playing mischief restricted the security clearance to only ground floor which is *per se* illegal and therefore, the petitioners had addressed a letter to the 2nd respondent to consider the request for grant of security clearance for ground plus two upper floors for residential use as requested by the Grampanchayat, Bandlaguda Mandal. The 2nd respondent imposed the restriction against the petitioner by restricting the security clearance to only ground floor, which is discriminatory and illegal when there are buildings adjacent to the property of the petitioner comprising of ground plus five upper floors and particularly the 2nd respondent had already issued a no objection certificate for construction of the building as per sanction and hence, the petitioner obtained sanction for construction of residential villas comprising of ground plus two upper floors.

e) It is further the case of the petitioner that when the 2nd respondent tried to interfere with the construction being carried on by the petitioner, the

petitioner was compelled to file W.P.No.32104 of 2013 though the petitioner withdrew the said writ petition at later stage. Aggrieved by the action of the 2nd respondent in interfering with the constructions being carried out by the petitioner and further restricting the security clearance only for construction of ground floor is in violation of Article 14 of the Constitution of India, aggrieved by the same, the petitioner approached the Court by filing the present writ petition.

PERUSED THE RECORD

4. The counter affidavit filed on behalf of the respondent, and in particular, paras 5, 9, 10, 11, 12, and 14 read as under:

5. It is submitted that in view of averments made in the above paragraph, the Andhra Pradesh Government issued vide its letter No GOMS No 86 dated 03 Mar 2006 everyone under taking any type of construction within 500 meter of defence land boundary is required to seek security clearance from Local Military Authority before undertaking construction.

(9) Army is duty bound to check any construction coming up in its immediate neighbourhood. In this case, the construction is taking place at ZERO meter from defence boundary.

10. It is submitted that in reply to the averments made in paragraph (10) petitioner was advised to obtain fresh security clearance from Local Military Authority, as any old No Objection Certificate which is seven years old and is not applicable, as brought out in Para 8 above. In this connection please refer Headquarters Andhra Sub Area letter No 3995/SC/Q3L dt 29 Apr 2013 (Copy of which is filed as Ex.P.R.1)

11. It is submitted that in reply to the averments made in paragraph (11) the contention of the petitioner raised therein are not correct. The respondent as Local Military Authority is duty bound to protect the security of nation and its assets. Thus any construction activity taking place near defence installation is required to be observed, checked and restrained. Question of compromise with regard to Nation security is not permissible.

12. It is submitted that in reply to the averments made in paragraph (11 & 12) that the petitioner at Para 11 says he applied to Grampanchayat for NOC on 07 Feb 2013 and in Para 12 the petitioner says he received security clearance on 14 Aug 2013 i.e. after six months and not eight months, as mentioned by the petitioner. No one sat on file for eight months. The application moved to number of offices for clarification.

14. It is submitted that the security clearance accorded vide Headquarters Andhra Sub Area letter No 3995/SC/Q3L dt 14 Aug 2013 is restricted to ground

floor only because duplex villas at Zero meter of defence installation will pose a security threat to defence establishments. However, the application for reconsideration for security clearance up to G+2 floor was considered by a board of officers from Headquarters Andhra Sub Area. Board visited the site in question in the month of Aug 2013. The board, after analyzing all aspects involved, concluded that G+2 floor construction will pose immense security threat to the defence installation, which is at zero meter distance. Hence, it was directed to maintain status quo on the issue of security clearance for ground floor only.

5. The contents of the letter/No Objection Certificate dated 29th May, 2006 of MAJ Quartermaster, Artillery Centre, Hyderabad – 31, reads as under:

“CONSTRUCTION OF BOUNDARY WALLS AND BUILDINGS IN SURVEY NO. 90(PART) AT BANDLAGUDA JAGIR VILLAGE R.R.DISTRICT, HYDERABAD

1. Refer the following:

(a) This office letter No. 5001/Land/BG/23/Q dt 22 Feb 2006 (copy enclosed)

(b) HQ Andhra Sub Area letter No. 3995/Arty/Q3L, dt. 18 Feb 2006 addressed to Vice Chairman, HUDA (copy enclosed)

(c) Your letter No. nil dated 26 April 2006

2. Since the matter regarding constructions has been discussed and closed by the Government and Army

authorities during CMLC-2005, this establishment has no objection in proceeding with the construction of boundary walls and buildings on svy No. 90(part) at Bandlaguda Jagir Village. R.R.Distt, Hyderabad, as these are private lands **but it should be as per the approved plan of HUDA/MCH/Panchayat authority or any other agency concerned with the constructions.**

3. It is once again reiterated that while carrying out the constructions in the Survey No. 90(Part), the points mentioned at para-2 (a) to (c) of Headquarters, Andhra Sub Area letter mentioned at Para-1 (b) above must be adhered to without fail.

4. No further correspondence on the subject will be entertained and the matter stands closed for once and all."

6. The contents of permission Lr.No.G.Ba., dated 05.01.2011 issued by the Office of Grampanchayat, Bandlaguda Jagir Manda, Rajendranagar, Ranga Reddy District, read as under:

Under Section 121 of A.P.G.P. Act, 1964 and Rules issued under G.O.Ms.No.86/MA, dated .03.2006

- 1. Name : B.H.Ravi Kumar S/o B.M.S.Murthy Raju**
- 2. Father/Husband Name : Syedshah Mahmood
Hussain S/o SSM. Hussain**
- 3. Address :Plot No.14, Sy.No.90/P**
- 4. Date of Submission of:
Application :**

5. Place permitted for:
Construction : Bandlaguda Jagir
Grampanchayat
6. Details of place permitted:
For construction : Survey No.90/P:
Plot No. 14 H.No.
7. Details of permitted:
Structures : Ground Floor/First Floor/
Second Floor/Third Floor/
Renovation (G+2)
8. Particulars of Fees:
A. Betterment : Rs.2490/- Receipt No.6183,
Dated 01.01.11
B. Fee for grant of:
permission for
construction of
house : Rs.2310/-
Total: Rs.4800/-
Sd/-Sarpanch/Panchayat Secretary
Grampanchayat Bandlaguda Jagir

TERMS FOR CONSTRUCTION

1. The construction shall be made on the site as per the approved plan only.
2. No alternations shall be made in the Plan or structures, contrary to the Panchayat Permission. However, if any, alternation are required, prior permission shall be obtained.
3. As per the Building Rules, the permission holder shall leave space open at least 5' in his site from the public road to building and in other sides 3' space shall be left open.
4. The construction shall be completed within a period of 12 months from the date of permission i.e. by the construction shall be completed. If the stipulated period is expired, the renewal of permission shall be obtained by submitting application before one month of expiry period

5. No structures shall be raised or encroached the open sites of Grampanchayat, Roads, Streets and Drainages. If the same violated, the owner shall remove the same with his own expenditure, failing which, necessary legal action will be initiated against him.

6. If the proposed construction is found obstruction for the development of the village, the same shall be removed without seeking any compensation and without raising any objection.

7. The drainage shall be constructed with septic tank as per the approved type design. Each house shall have only septic latrine.

8. Drainage water shall not be allowed to flow on the roads and also should not connect the same to the Grampanchayat drain without permission of the Grampanchayat.

9. The approved plans shall be exhibited in the place of construction, for the purpose of inspection by the Panchayat authorities or the staff and shall produce the same whenever they demand for the same, failing which the construction will be stalled.

10. The Panchayat has no responsibility for the ownership disputes of the site.

11. The other rules and regulations shall be followed issued by the Grampanchayat from time to time.

12. The date of completion of construction of house, renovation or entering into the house, whichever is earlier, the same shall be informed in writing to the office.

13. The permission will be cancelled without notice for violation of the aforesaid terms and conditions.

14. No Land Certification will be issued on the site under this permission.

7. The contents of security clearance dated 14th August, 2013, reads as under:

- "1. Reference Bandlaguda Jagir Village & Grampanchayat letter No Nil dt 07 Feb 2013.
2. Security Clearance in respect of Shri B H Ravi Kumar S/o Late BHS Murthy Raju and Shri Syed Shah Mahmood Hussaini S/o Shri Syed Shah Mazhar Hussaini is enclosed for disseminating to the individual concerned.
3. You are requested to ensure that the applicant abides by stipulations/conditions laid down in the 'Security Clearance'.

SECURITY CLEARANCE

1. Reference Grampanchayat Bandlaguda Jagir village letter No Nil dt 07 Feb 2013. GO MS No 86 dt 03 Mar 2006 and GO MS No 249 dt 09 Mar 2009.
2. The Local Military Authority has given security clearance for construction on private land in Part of Svy No 90, admeasuring 1 acre 25.75 quntas situated at Bandlaguda Jagir Village & Grampanchayat, Rajendra Nagar Mandal, RR District as requested by Shri BH Ravi Kumar S/o Late BHS Murthy Raju and Shri Syed Shah Mahmood Hussaini S/o Shri Syed Shah Mazhar Hussaini subject to conditions mentioned below.
- 3. The applicant is permitted to construct a house ground floor (GF) only.**
4. It will be ensured that setbacks/marginal spaces as specified in GO MS 86 will be left where the building abuts defence land.

5. The said approval is purely from the point of view of security risk to defence establishments in your neighborhood. It does not in any way concern ownership rights, building norms or any other provision in law with regard to property or construction. This document cannot be construed as military authority recognizing any right of the applicant.

6. The applicant will ensure no sewerage/garbage is disposed off into defence land.

7. No passage through defence land, provision of electricity or water will be demanded from the military authority by the applicant.

8. The applicant will be responsible to ensure that premises are not rented out to anti national elements and Non Indian Citizen, without the prior permission of this authority. If it is detected at a later stage that tenants are engaged in anti national activity, the same will be reported by the applicant to local military authority and police immediately.

9. In case the property is sold, the local military authority will be informed by the applicant immediately.

10. Builders/Developers will be responsible for stipulations mentioned in Para 4 to 7 till the Residents Welfare Association is formed. Thereafter, the Residents Welfare Association will be responsible for adhering to the said stipulations. This will be mentioned in the sale agreement by the Builder/Developer.

11. It shall be the responsibility of the owner/builder/developer to inform the terms and condition to all subsequent purchasers/welfare association etc.

12. The clearance is given without prejudice to right of the military authority in undertaking any training programme, military exercise etc within its boundaries.

13. Terms and conditions for giving the clearance shall bind all the successor in interest of the applicant/owner /builder/developer including all subsequent purchasers.

8. The learned Senior Counsel appearing on behalf of the Petitioners mainly puts-forth the following contentions:

a) The Petitioner even before purchase of the subject property examined the No-objection Certificate issued by the 2nd Respondent to the Vendor of the Petitioner where under the 2nd Respondent vide letter dt. 29.05.2006 reported No-objection for construction of residential house in the property covered by Sy.No.90 (part) of Bandlaguda, Rajendernagar Mandal, Ranga Reddy District subject to the condition that the building shall be constructed strictly in accordance with the approved plans.

b) The Petitioner to develop the property owned by the Petitioner had applied to the Bandlaguda, Rajendernagar Mandal, Ranga Reddy District and obtained sanction for construction of 17 Duplex Villas vide permission dt. 05.01.2011.

c) The 2nd Respondent called upon the Petitioner to obtain NOC in the name of the Petitioner and the Petitioner requested the Gram Panchayat to apply for NOC and accordingly the Gram Panchayat vide Letter dated 07.02.2013 requested for grant of NOC to the 2nd Respondent for construction of residential houses in patta lands of the Petitioners comprising of Ground + 2 Upper Floors. The 2nd Respondent after sitting over the file for 8 months granted security clearance on 14.08.2013.

d) The 2nd Respondent granted security clearance on 14.08.2013 and to the shock of the Petitioner permitted the Petitioner to construct a house up to ground floor only.

e) The security clearance granted by the 2nd Respondent on 14.08.2013 is contrary to the proceedings dt. 05.01.2011 of Gram Panchayat - Bandlaguda Jagir Mandal, Rajendranagar,

Ranga Reddy District, which clearly permitted the construction as G+2 i.e., Ground Floor/1st Floor/2nd Floor/3rd Floor.

f) The restriction imposed by the 2nd Respondent permitting the construction of house (ground floor only) is discriminatory and illegal when there are buildings adjacent to the property of the Petitioner comprising of ground + 5 floors.

g) The security clearance dt. 14.08.2013 is contrary to the proceedings dt.05.01.2011 No./G.Ba and proceedings dt. 29.05.2006 vide No.5001/BG/43/Q and also to proceedings dt. 29.05.2006 which clearly held that the Petitioner should proceed with construction as per the approved plan of HUDA/MCH/Panchayat Authority or any other Agency concerned with the constructions.

h) Basing on the aforesaid submissions the learned Senior Counsel appearing on behalf of the Petitioners contended that the writ petition should be allowed as prayed for.

9. The learned Counsel appearing on behalf of the Respondents mainly puts-forth the following contentions :

a) The Petitioner is constructing 17 Duplex Villas in Sy.No.19 under Gram Panchayat Bandlaguda, Rajendernagar Mandal, Ranga Reddy District, which is coming at a distance of zero meter of the Defence land, which lies in Sy.NO.91, A1 category land in which Artillery Centre, Hyderabad is located and raising a multi-storied building near such training establishment amounts to compromising the security of the nation which is not permissible and also not acceptable.

b) The Petitioner had been permitted to construct ground floor vide security clearance accorded to him vide Head Quarters Andhra Sub-Area Letter No.3995/SC/Q31, dt. 14.08.2013.

c) Question of compromise with regard to nation security is not permissible.

d) The Board after analyzing all aspects involved, concluded that G+2 Floor construction will pose

immense security threat to the defense installation which is at zero meter distance and therefore directed to maintain status quo on the issue of security clearance for ground floor only.

e) Vide proceedings dated 29.04.2013 revalidation of NOCs issued during 2009-10 had been ordered.

f) The learned counsel appearing on behalf of the Petitioner vide Letter dated 16.12.2013 addressed to the Registrar (Judicial), High Court of A.P., Hyderabad sought for withdrawal of another W.P.No.32104/2013 filed by the Petitioner stating that the Respondents after filing the said writ petition had issued a letter intimating that they shall not interfere with the construction being carried on by the Petitioner subject to adhering to conditions imposed in security clearance dt. 14.08.2013.

g) Basing on the aforesaid conclusions the learned counsel appearing on behalf of the Respondents prayed for dismissal of writ petition.

DISCUSSION AND CONCLUSION :

10. A bare perusal on material on record clearly indicates that the vendor of the Petitioner had been issued letter dated 29.05.2006 issued by Artillery Centre, Hyderabad vide proceedings 5001/BG/43/Q and in said proceedings dated 29.05.2006 at para 2 it is stated that the Respondent authority has no objection in proceeding with construction of boundary walls and buildings in Sy.No.90 (part) at Bandlaguda Jagir, Rajendernagar Mandal, Ranga Reddy District, Hyderabad since these are private lands but it should be as per the approved plan of HUDA/MCH/ Panchayat Authority or any other Agency concerned with the constructions.

11. A bare perusal of the permission dt. 05.01.2011 No./G.Ba issued by the Office of Gram Panchayat, Bandlaguda, Rajendernagar Mandal, Ranga Reddy District in respect of the subject property in favour of the vendor of the Petitioner clearly indicates sanction of permission for construction Ground Floor/1st Floor/2nd Floor/3rd Floor, Renovation (G+2) though the said letter

dated 05.01.2011 indicated that the construction should be completed within a period of 12 months from the date of permission and further it also stipulated that if the said stipulated period of 12 months expired, the renewal of permission shall be obtained by submitting application before one month of expiry period.

12. It is also clearly observed in the proceedings dt. 29.05.2006 of the Maj. Quarter Master Artillery Centre, Hyderabad – 31, that no further correspondence on the subject would be entertained and the matter stands closed for once for all.

13. It is the specific case of the Petitioner that when the 2nd Respondent insisted for obtaining NOC on the name of the Petitioner since the NOC dt.29.05.2006 issued earlier was on the name of the vendor of the Petitioner and when the Petitioner approached the 2nd Respondent through the Gram Panchayat vide letter dt. 07.02.2013 to the shock of the Petitioner, 2nd Respondent granted security clearance on 14.08.2013 restricting the construction in the subject premises to

ground floor only. This Court opines that the 2nd Respondent failed to consider the proceedings dt. 05.01.2011 No./G.Ba issued by the Office of the Gram Panchayat, Bandlaguda Jagir Mandal, Rajendernagar Mandal, Ranga Reddy District, U/s.121 of Gram Panchayat Act, 1964 and the Rules issued under G.O.Ms.No.86/MA, dated March, 2006 issued to the vendor of the Petitioner upon his application/letter dt. 26.04.2006, which clearly permitted the Petitioner's vendor to proceed with construction (G+2) i.e., Ground Floor/1st Floor/2nd Floor/3rd Floor. The 2nd Respondent also failed to give credence to the contents of the letter dated 29.05.2006 of Maj. Quarter Master Artillery Centre, Hyderabad – 31, which clearly at para 2 indicated to the vendor of the Petitioner, the subject issue as closed once for all both by the Government and Army authorities during CMLC – 2005 and the establishment had no objection if the applicant proceeded with construction as per the approved plan of HUDA/MCH/ Panchayat Authority or any other Agency concerned with the constructions.

14. This Court opines that what had been permitted to the vendor of the Petitioner vide letters dated 05.01.2011, 29.05.2006 cannot be denied to the Petitioner herein on the plea that raising a multi-storied building near Artillery Centre amounts to compromising to the security of the nation since as borne on record the said plea was never pleaded by the Respondent Authority or the concerned Gram Panchayat at any point of time in response to letter dated 26.04.2006 filed by the vendor of the Petitioner before the Respondent Authority nor by the Office of the Gram Panchayat, Bandlaguda Jagir Mandal, Rajendranagar, Ranga Reddy District, when the vendor of the Petitioner, applied for sanction of permission for construction of building in the subject premises by paying the requisite fee of Rs.4,800/- and obtained a valid sanction in his favour vide No./G.Ba, dt. 05.01.2011 for construction of (G+2), Ground Floor/1st Floor/2nd Floor/3rd Floor, and the vendor of the Petitioner was informed vide letter dt. 29.05.2006 of Maj. Quarter Master Artillery Centre, Hyderabad – 31, that the subject issue regarding

constructions had been discussed and closed by the Government and Army authorities during CMLC-2005 and the Respondent establishment had no objection in proceeding with the construction of boundary walls and buildings in Sy.No.90 (part) at Bandlaguda Jagir Village, R.R. District, as the said subject lands are private lands, but however, the construction should be strictly as per the approved plan of HUDA/MCH/Panchayat Authority or any other Agency concerned with the constructions.

15. Though a specific averment of discrimination had been pleaded by the Petitioner at paras 13 and 15 of the affidavit filed by the Petitioner in support of the present writ petition, that there are multiple residential complexes comprising of Ground + 5 Upper Floors, in Sy.No.90 duly enclosing the photographs of the complex adjacent to the property of the Petitioner and behind the property of the Petitioner and the Petitioner being discriminated illegally and arbitrarily by the 2nd Respondent who restricted the construction only to the ground floor vide Security Clearance dt. 14.08.2013, the counter affidavit filed on behalf of the Respondents is

curiously silent and does not answer the said averment either denying the same or admitting. This Court opines that the said specific pleading of discrimination having not being denied in the entire 5 pages counter affidavit filed on behalf of the Respondents clearly amounts to a clear admission on the part of the Respondents that the Petitioner had been discriminated.

16. The judgment and decree dated 21.11.2019 passed in C.M.A.Nos.1 and 91 of 2015 by the II Additional District Judge, at L.B.Nagar, Ranga Reddy District, and in particular, at para 19 it is observed as under:

"19. There is a prima facie case in favour of the appellants that they are the absolute owners of the schedule land covered by Sy.No.90. It is also an admitted fact that permission was granted by the defence authorities to raise constructions. However, subsequently they came up with a version that the constructions shall be restricted to ground floor only. I am of the view that when multi storied buildings are adjacent to the schedule property with G+5 floors, it seems, only with a vengeance the construction activity was restricted to ground floor only, that too, after giving clearance for G+2 floors. After going through the construction activity as reflected under Ex.P9 photographs, the appellants would suffer huge loss if the construction activity is discontinued. So, the balance of convenience is also in favour of the appellants and they would suffer irreparable injury in case the construction activity is stopped as the loss that will be caused to the

appellants is more than the loss to the defense authorities."

17. A bare perusal of paragraph 19 of the judgment dt. 21.11.2019 in C.M.A.Nos.1 of 2015 and 91 of 2015 passed by the 2nd Additional District Judge at L.B.Nagar, Ranga Reddy District, filed by vendor of the Petitioner and Agreement of Sale-cum-General Power of Attorney Holder against the Respondent Authority aggrieved against the order dated 01.12.2014 passed by the Addl. Junior Civil Judge at Rajendranagar, Ranga Reddy District, in I.A.No.464 of 2014 in OS No.123 of 2014 and Appeal against order dt. 27.06.2015 passed by the Station Commander and Estate Officer, Telangana and Andhra Sub-Area, Bollaram, Secunderabad (extracted below) clearly indicates the plea of the Petitioner of being a victim of discrimination by the Respondent authority as established beyond doubt since it is observed at para 19 of the said judgment by the Court below that when multi-storied buildings are adjacent to the schedule property with G+5 floors, it seems, only with a vengeance the construction activity was

restricted to ground floor only, that too after giving clearance for G+2 floors.

18. Taking into consideration the above facts and circumstances of the case and on due perusal of the material on record and the permission dt. 05.01.2011 of the Office of Gram Panchayat, Bandlaguda Jagir Mandal, Rajendranagar, Ranga Reddy District and duly considering the contents of the letter dt. 29.05.2006 vide No.5001/BG/43/Q of Maj. Quarter Master Artillery Centre, Hyderabad – 31, and also para 19 of the judgment and decree dated 21.11.2019 in C.M.A.Nos.1 of 2015 and 91 of 2015 before the II Additional District Judge at L.B.Nagar, Ranga Reddy District, the writ petition is allowed as prayed for and the 2nd respondent is directed to consider the request of the petitioner for issuance of security clearance for construction of Ground + two upper floors for residential houses in the property i.e. land admeasuring Ac.25.75 guntas in Survey No.90/P situated at Bandlaguda Village, Rajendranagar Mandal, Ranga Reddy District, in accordance to law duly taking into consideration the

permission dated 05.01.2011 (vide No./G.Ba) of the Office of Gram Panchayat, Bandlaguda Jagir Mandal, Rajendranagar, Ranga Reddy District, the letter/No objection certificate dated 29.05.2006 of Maj. Quarter Master Artillery Centre, Hyderabad – 31, and the clear observations at para 19 of the judgment and decree in C.M.A.Nos.1 of 2015 and 91 of 2015, before the II Additional District Judge at L.B.Nagar, Ranga Reddy District, within a period of two weeks from the date of receipt of the copy of the order and duly communicate the decision to the petitioner. Till the above exercise as stipulated by this Court is initiated and concluded the interim orders shall remain in force. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SUREPALLI NANDA, J

Dated: 21.12.2023

Note: L.R. copy to be marked

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