

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

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WRIT PETITION No.11574 of 2015

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ORDER:

This writ petition is filed for issuance of a *Mandamus* declaring the action of respondents 1 and 2 in not allowing the petitioner to proceed with construction of building in plot No.1-6-91 Part covered by Sy.No.287/76, situated at Gummudur Village, Narsampet road, Mahabubabad town, Warangal District, in accordance with permission issued by the 2nd respondent dated 29.11.2014 and the show cause notice dated 30.03.2015 issued by the 2nd respondent as illegal, arbitrary and violative of the principles of natural justice and consequently to direct the respondents to allow the petitioner to complete the construction of building in accordance with the approved plan.

The case of the petitioner is that her husband was the owner, pattadar and possessor of land covered by Sy.No.287/76, Gummudur Village, Narsampet road, Mahabubabad town, Warangal District; after the death of her husband, her son settled an extent of Ac.2.10 gts. in her favour under a registered gift deed; she made an application to the 2nd respondent-Mahabubabad Municipality to grant permission for construction of a house; that after enquiry, the 2nd respondent issued proceedings dated 29.11.2014 granting permission for construction of a house and the petitioner paid a sum of Rs.29,880/- towards building

permission charges; that after raising the pillars upto roof level, the 2nd respondent issued the show cause notice dated 30.03.2015 to submit her explanation, within 7 days, as to why her permission should not be cancelled. Petitioner submitted her explanation but no orders are passed. Aggrieved by the same, this writ petition is filed.

Heard the learned counsel for the petitioner, learned Government Pleader for

Municipal Administration appearing for respondents 1 and 3 and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2.

Learned counsel for the petitioner submits that the entire material i.e., chips, sand, cement, iron is lying at the site and it is difficult to leave the same there and the petitioner and may be permitted to make further constructions, as she is ready to pay the necessary conversion charges.

On the other hand, Sri N.Praveen Kumar, learned Standing Counsel for respondent No.2 submits that under Sections 184(1) and (3) of the A.P.Municipalities Act, 1965, the 2nd respondent-Municipality is entitled to collect necessary conversion fee and as the same is not paid, the show cause notice was issued. It is further submitted that the respondent-Authorities will consider the explanation of the petitioner and take a decision.

It is not the case of the petitioner that the impugned show cause notice dated 30.03.2015 issued by the 2nd respondent is without jurisdiction and the respondents are not entitled to decide the aspect of conversion charges. Since the petitioner has already filed her explanation and the entire material is dumped at the site, the respondents are obligated to take a decision immediately.

Since the petitioner stated that she will pay the necessary conversion charges, the 2nd respondent is directed to consider the explanation of the petitioner, in pursuance of the show cause notice dated 30.03.2015, and take a decision, within a period of two weeks from the date of receipt of a copy of this order and take further action in accordance with law. If the decision is not taken within the aforesaid period, the petitioner is entitled to proceed with the construction and the same will be subject to the orders that may be passed by the respondents.

With the above directions and observations, this writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY, J

Date: 22-04-2015

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