

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.25299 of 2015

Between :

Guntuka Raja Ram S/o.Rajalingam,
Age 52 yrs, Occu : Mechanic,
R/o.H.No.1-4-178/1, Desai Nagar,
Korutla proper and Mandal, Karimnagar District.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary to the Municipal Administration,
Secretariat Buildings, Hyderabad & another.

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 12.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.25299 of 2015

ORDER :

The petitioner claims to be the owner and in possession of land measuring 109.62 Square yards in Sy.No.1266/1, having purchased the same through a registered sale deed dated 25.07.2001. The petitioner intend to construct ground + two upper floors and accordingly submitted an application on 31.07.2015 to the 2nd respondent enclosing all the relevant documents for the purpose of processing the application for grant of building permission. The grievance of the petitioner necessitating institution of this writ petition is that the respondent-Municipality is refusing to receive the application and such action of the respondent-Municipality is illegal.

2. Learned counsel for the petitioner submits that no reasons are assigned and the application for grant of building permission is refused. He contends that at the stage of submission of application the Municipality cannot go into the merits of the nature of construction proposed or the status of the property.

3. In terms of the provisions contained in the Andhra Pradesh Municipalities Act, 1965, (for short 'the Municipalities Act'), whenever a person intends to make any construction or alter etc., to the existing building, within the municipal limits of a Municipality, has to apply to the Municipality and seek permission after submitting the proposed construction/alteration, along with requisite fee and other formalities. Thus, it is the right of any person living in the area of Municipality to apply for building permission. On such submission of application, the respondent-Municipality has to consider the same in accordance with the Rules governing the construction and the provisions of the Municipalities Act, 1965. Thus, the Municipality cannot refuse to receive the application at the threshold.

4. Having regard to the same, the Writ Petition is disposed of directing the 2nd respondent to receive the building permission application of the petitioner dated 31.07.2015, as and when such representation is submitted by the petitioner, furnish due acknowledgement, and process the same, as expeditiously as possible, in accordance with the Rules and provisions of the Municipalities Act. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand

closed.

12th August, 2015.
Rds

P.NAVEEN RAO,J