

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.29844 of 2015

DATED : 14.09.2015

Between :

Smt.Duppala Sailaja,
W/o.Dr.Gurugubelli Ravi Kumar,
Aged about 33 yrs, R/o.D.No.39-25-13/2,
Seethanna Gardens, Madhavadhara,
Visakhapatnam.

.. Petitioner

and

The State of Andhra Pradesh,
Rep., by its Principal Secretary
Municipal Administration Department,
Secretariat, Hyderabad-22 & others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

The petitioner claims to have applied for grant of building permission of land to an extent of 306 Square yards and 42 Square yards (348 square yards) for the premises bearing D.No.39-33-48/1, Sy.No.2/1B of Madhavadhara Village, Visakhapatnam District. The building application submitted by the petitioner was processed and the same is not acted upon. The petitioner apprehends that the reason for not considering the building application filed by the petitioner was on the ground that adjacent to the proposed building the Naval Science and Technological Laboratory (NSTL) is situated and on that ground, the same is not granted.

2. Learned counsel for the petitioner submits that the same issue has come up before this Court in W.P.No.217 of 2012 and this Court disposed of the same by order dated 05.01.2012 and directed the respondents to consider the application for grant of building permission without reference to the objection that nearest to the property NSTL is situated. Learned counsel therefore, submits that non-consideration of the application of the petitioner is erroneous.

3. Learned Standing Counsel, on instructions, submits that the building application submitted by the petitioner was processed and the same was returned on 17.04.2015 raising some objection. There after the petitioner re-submitted on 02.07.2015 and the same is now, under consideration. Learned standing counsel further submits that the judgment relied upon by the petitioner is no more applicable, in view of the notification of the Rules in G.O.Ms.No.168 dated 07.04.2012. According to the learned Standing Counsel in terms of the Rule 3 (f) (2) of the said G.O., no building permission can be granted, if the proposed building is located within 20 meters of the boundary wall of NSTL. However learned Standing counsel is fair in submitting that the proposed building is not within the 20 meters radius of the NSTL and therefore, the building application of the petitioner would be considered consequent to the re-submission of the representation of the petitioner without reference to the said objection.

4. Having regard to the said submission, the writ petition is disposed of directing the respondent-Corporation to consider the building application re-submitted by the petitioner on 02.07.2015 without reference to the location of NSTL, as the same is not within 20 meters from the proposed building and subject to fulfillment of all other conditions. The entire exercise shall be completed within a period of four weeks from the date of receipt of copy of this order and communicate the decision to the petitioner. There shall be no order as to costs.

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

P.NAVEEN RAO,J

14th September, 2015.

Note : Issue c.c., in two (2) days.

B/o.

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