

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7300 OF 2015

ORDER :

This Writ Petition is filed for a writ of *mandamus* declaring the notice, dated 26.03.2014, issued by the 4th respondent, as arbitrary and illegal and violative of Articles 14, 19 and 300-A of the Constitution of India and consequently, set aside the same and direct the 4th respondent to renew petitioners' construction permission.

Petitioners are the absolute owners and possessors of plot No.57 in survey Nos.49 and 50. They had applied for permission for construction of residential house and the same was rejected vide proceedings No.GPM/SPL/2013-14, dated 26.03.2014. Aggrieved by the same, the petitioners filed the present Writ Petition.

Learned counsel for the petitioners' states only basing on the interim order in W.P.M.P.No.2358 of 2014 in W.P.No.1941 of 2014 application for building permission was rejected and this Court never said that permission should not be granted.

This Court passed interim order, dated 28.01.2014, in W.P.M.P.No.2358 of 2014 in W.P.No.1941 of 2014 which reads as follows:

"If Respondents 5, 6 and 7 have not obtained any building permission from the 4th respondent, they shall not carry out constructions without so obtaining the building permission.

Notice."

This Court never said that permission should not be granted. The application of the petitioner was rejected without any application of mind.

Accordingly, the Writ Petition is allowed setting aside the notice, dated 26.03.2014, and respondent No.4 is directed to consider the application filed by the petitioner within a period of four (4) weeks from the date of receipt of this order as per the Rules and Regulations in force. There shall be no order as to costs. Miscellaneous petitions, if any, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 20.03.2015

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