

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3851 OF 2015

ORDER :

The grievance of the petitioner is that he is the absolute owner and possessor of the shop No.1 vide D.No.6-1-41(Old), 6-1-73(New) of 63.68 sq. yards or 53.52 sq.meters, Dhaba extent is 378 sq.ft.situated at northern side in 120X120 sq.yards of vacant place constructed by one Varigonda Kameswaramma, situated at western side of Mahatma Gandhi Road, Kothagudem town and taluk, Khammam District and she is in continuous possession and enjoyment since 1982, which is originally purchased by her husband, and after his death she is in possession of the same. It is further stated that when the shops are in dilapidated condition, the same was demolished and the petitioner is intended to make a construction of house building with ground plus two upper floors and as such they made an application to the second respondent on 29.11.2014 seeking permission for building construction of ground, 1st and 2nd floors. Along with the application, she had submitted the copy of registered sale deed dated 30.11.1982 and also electricity bill, family members certificate issued by the Tahsildar, Kothagudem and also death certificate of her husband. It is also stated that she paid an amount of Rs.14,857/- towards development charges to the second respondent on 29.11.2014 and the same was received by R2 and she also submitted the property tax receipt, plan showing the proposed construction of house building.

It is further stated that the respondent No.2 having received all the documents to show the ownership and also tax receipts paid, but surprisingly without there being any reason rejected the

application vide proceedings dated 11.12.2014 on the ground that the petitioner has not submitted the registered documents and ownership document for construction of building and returned the proposed plan submitted to it. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for municipal administration and Sri D.Bhaskara Reddy, learned standing counsel appearing for the second respondent.

Learned counsel for the petitioner submits that the petitioner is now ready to submit her ownership documents along with necessary application. Learned standing counsel Sri D.Bhaskara Reddy, submits that since the petitioner has not submitted the ownership documents, the authorities have rightly rejected the application. The impugned order is passed only on the ground that the petitioner has not submitted the ownership documents, it cannot be said that the impugned order is illegal or void. However, since the petitioner wants to submit fresh application along with the necessary ownership documents, it is open for the petitioner to submit the same and thereafter the second respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of three weeks from the date of receipt of application.

With the above direction, writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

17.03.2015

Rns

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Date: 17.03.2015

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