

THE HON'BLE SRI JUSTICE RAJA ELANGO

—

Writ Petition No.26345 of 2009

.

ORDER :

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the proceedings of the 1st respondent in Lr.No.3165/2009-A4, dated 17-11-2009 rejecting permission for construction of building in the petitioner's land situated in Sy.No.599/A2/2 in an extent of 0.07 ½ guntas of Gajwal Village and Mandal, Medak District, as illegal and arbitrary and consequently direct the respondents to accord permission for construction of building in the above mentioned property by setting aside the proceedings of the 1st respondent in Lr.No.3165/2009-A4, dated 17-11-2009.

2. Heard the learned counsel on either side and perused the material available on record.

3. It is evident from the records that the civil suit O.S.No.111 of 2008 is pending before the Court of Senior Civil Judge, Siddipet, Medak District in connection with the aforesaid land in which the petitioner sought permission for construction of the building.

4. However, the learned counsel for the petitioner

submitted that the suit O.S.No.111 of 2008 is in respect of the land in Sy.No.596 of Gajwal Village and Mandal and that particular property which is subject matter of civil suit is in no way connected with the property purchased by the petitioner.

5. Considering the said facts and circumstances of the case, this Court is of the view that the petitioner can be given another opportunity to file a fresh application for construction of the building.

6. Accordingly, the Writ Petition is disposed of directing the petitioner to file a fresh application before the concerned authority seeking permission to construct the building, if he so desired, along with all the relevant material to substantiate that the subject land belongs to him. On such application being filed, the authority concerned is directed to dispose of the same in accordance with law within a period of two months thereafter. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

02nd February, 2015

skmr