

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.5752 OF 2015

ORDER :

This writ petition is filed seeking writ of mandamus declaring the inaction of the 2nd respondent in passing order on the representation dated 30.12.2014 submitted by the petitioner for according permission for construction as illegal and arbitrary.

2. It is the case of the petitioner that he is the absolute owner and possessor of the premises bearing D.No.4-94 admeasuring 200 sq.yards in Sy.No.19/1, situated at Chimalapalli Village, Visakhapatnam District having purchased the same from its lawful owners through a registered Sale Deed dated 30.12.1994 and ever since, she has been in peaceful possession and enjoyment of the property. It is stated that in the recent cyclone 'Huded' the compound wall of the said premises damaged and the entire structures gave cracks and became dilapidated, as such, the petitioner filed an application for demolition of the same and proposed to construct a new building. Accordingly, she submitted representation dated 30.12.2014 requesting the 2nd respondent to accord permission for demolition and construct a new building. Since no orders are passed by the respondent Corporation, the present writ petition is filed.

3. Heard learned counsel for the petitioner as well as Sri S.Lakshminarayana Reddy, learned Standing Counsel for the 2nd respondent Corporation.

4. Sri S.Lakshminarayana Reddy, learned Standing Counsel for the 2nd respondent Corporation, on instructions submits that the application filed by the petitioner is not in the format prescribed for granting permission for construction of house.

5. A perusal of the representation of the petitioner dated 30.12.2014

shows that it is not in the prescribed format. Since, the petitioner has not submitted application in a proper format, with requisite fee and plans, for obtaining permission for construction of house, it is for her to file the same in the appropriate format. Thereafter, it is for the respondent Corporation to consider the same and pass appropriate orders, in accordance with law. As far as the representation of the petitioner for demolition of the old dilapidated structures is concerned, the respondent Corporation may consider the same and pass appropriate orders. It is open for the petitioner to make an application for grant of permission for construction as per proper format along with plans and requisite fee and on such application, the competent authority is directed to dispose of same in accordance with law within four (4) weeks from the date of receipt of application.

With the above direction, the writ petition is disposed of. There shall be 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

09.03.2015
kvs.

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Date: 09.03.2015

kvs