

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6599 OF 2011

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ORDER:

The case of the petitioner is that he submitted an application on 18.08.2010 to the 1st respondent in accordance with A.P.Gram Panchayat Land Development (Layout and Building) Rules, 2002 seeking sanction of building plan to construct RCC roofed commercial buildings in the land to an extent of Ac.0.12 ½ cents, for commercial purpose situated in Sy.No.311/A3 of 5th ward in Kanigiri Village & Mandal, Prakasam District. It is also stated that he has specifically mentioned in the said application submitted in the proforma under Rule 14(1) of Rules that the purpose of construction of building is for commercial. But the 1st respondent by its resolution No.347, dated 18.11.2010, rejected the application on the ground that the application does not disclose the purpose for which it is going to be constructed i.e., whether it is for residential or commercial purpose, and also issued proceedings dated 19.11.2010 informing rejection of application and also advised the petitioner to resubmit the application by rectifying the mistakes. Aggrieved by the resolution of the 1st respondent dated 18.11.2010, and consequential proceedings dated 19.11.2010, present writ petition is filed.

First respondent filed counter stating that the petitioner has not given all the particulars with regard to the land owned by him; that this respondent has placed the application and other documents submitted by the petitioner before the committee of the Gram Panchayat for taking decision for approval of the building plan of the petitioner; that the committee of the Gram Panchayat after discussing the issue in detail passed an unanimous resolution dated 18.11.2010 rejecting the approval of the building plan submitted by the petitioner and that the same was also informed to the petitioner through proceedings dated 19.11.2010 by this respondent. It is further stated that the approval was rejected on the ground that the petitioner has not given the particulars with

regard to the purpose for which the proposed construction is going to be made and that if the petitioner is aggrieved by the orders passed by this respondent, he would have filed revision before the Government under Section 264 of A.P.Panchayat Raj Act, 1994, and finally sought for dismissal of the writ petition.

On the other hand the 2nd respondent filed counter affidavit stating that after rejection of petitioner's application by way of impugned proceedings, petitioner made another application on 11.02.2011 and the same was approved by the 1st respondent on condition that the petitioner shall produce the certificate pertaining to the land conversion issued by the revenue authorities.

No reply affidavit is filed by the petitioner.

Heard learned counsel for the petitioner who submits that though they have clearly mentioned in the application that the purpose of construction as commercial, the respondents deliberately rejected the same.

Since it is stated that approval of building permission is already granted subject to production of land conversion certificate by the petitioner, the petitioner has to comply with the said condition. When once the land is to be converted, it requires permission from the revenue authorities. As such, the condition imposed by the 1st respondent while granting permission, cannot be faulted. In view of the same, it is open for the petitioner to produce land conversion certificate issued by the revenue authorities and on such production by the petitioner the respondents shall release the building permission.

Accordingly, the 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

13.10.2015

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