

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.563 OF 2015

ORDER

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This writ petition is filed for a writ of mandamus declaring the inaction of the 2nd respondent in considering the representation dated 29.12.2014 in reference to HMDA letter No.14750/LO/Pig/HMDA/2008 dated 05.12.2014 issued by the 2nd respondent as illegal and arbitrary and for a consequential to the 2nd respondent to permit the petitioner company to pay development charges in equal instalments within 24 months in respect of Sy.No.162, 165, 166/P, 167/P and 168/P of Srinagar (V), Maheshwaram (M), Ranga Reddy to an extent of 35 acres 30 guntas as sought by representations dated 05.06.2014 and 29.12.2014 in terms of Section 46(5) of HMDA Act, 2008.

The case of the petitioner-company is that it is having lands in Sy.Nos.162, 165, 166/P, 167/P and 168/P of Srinagar (V), Maheshwaram (M), Ranga Reddy to an extent of 35 acres 30 guntas. With an intention to develop the housing under gated community and to draft layout in the said land, the petitioner made an application before the 2nd respondent vide letter No.14750/LO/Pig/HADA/HMDA/2008 dated 21.10.2008. Thereupon, the 2nd respondent processed the application and issued a letter No.14750/LO/Pig/HADA/2008 dated 31.05.2014 for payment of development and processing charges. After receiving the said letter, the petitioner made another application dated 05.06.2014 to the 2nd respondent requesting to allow it to pay the amount in instalments and also made one more application dated 09.10.2014 requesting to revise the plan. In pursuance of the same, the 2nd respondent issued a letter dated 05.12.2014 intimating the petitioner to pay development charges, processing charges, betterment charges and special impact fee. According to the petitioner, the Government of Andhra Pradesh issued G.O.Ms.No.583 dated 22.09.2009 relaxing the development charges and permitting to pay in instalment duly mortgaging 5% extra in layouts and

gated community project and in case of ground housing schemes additional 5% built up area or 50% ground, first, second floor area, whichever shall be less, shall be mortgaged to sanctioning authority. The grievance of the petitioner is that in response to the letter dated 05.12.2014, it made an application dated 29.12.2014 before the 2nd respondent requesting to allow it to pay the development charges in equal instalments, but no orders are passed thereon by the 2nd respondent till date. Hence, the present writ petition.

Heard both sides.

In the present case, it is for the 2nd respondent to consider the applications of the petitioner by exercising its discretion regarding fulfilment of conditions for grant of permission. Therefore, I deem it appropriate to direct the 2nd respondent to dispose of the applications filed by the petitioner within a period of four (4) weeks from the date of receipt of copy of this order in accordance with law.

With the above direction, the writ petition is disposed of. As a sequel, miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER

REDDY,J

Date: 21.01.2015

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