

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 944 OF 2014

ORDER :

This writ petition is filed seeking writ of mandamus declaring the action of the respondent in not processing the application for building plan submitted by the petitioner dated 25.10.2013 for the land admeasuring 529.91 sq.meters in Sy.No.71/Part, situated at Walter Road, CBM Compound Layout, Visakhapatnam, A.P, as illegal and arbitrary and consequently to direct the respondents to process the application for building plan vide receipt dated 25.10.2013.

2. It is the case of the petitioner that petitioner trust is owner of property in an extent of 529.91 sq.mtrs equivalent to 633 sq.yards in Sy.No.71/Part, situated at Walter Road, CBM Compound layout, Visakhapatnam and it is being represented by its Chairman and Attorney holder executed a registered General Power of Attorney dated 20.07.2013 in favour of the 2nd petitioner. It is stated that the petitioner made an application seeking permission to construct building in the above said land on 25.10.2013 along with required documents and DD bearing No.029575 dated 24.10.2013 for Rs.10,000/-, as required under Section 429 of the Municipal Corporation Act. As there was no response, the petitioner approached the first respondent several times. It is stated that the petitioner has filed an application dated 23.10.2012 before the 2nd respondent to levy vacant land tax on the property. The 2nd respondent, vide proceedings dated 25.05.2013 asked the petitioner trust to submit notarized affidavit duly mentioning the boundaries, measurements of the property and other documents. Though application was submitted on 25.10.2013, there is no response from the respondents.

3. After filing of the writ petition, 2nd respondent filed counter

stating that since the petitioner has not shown 100 Feet road, which is found in the master plan, the petitioner's application has been returned. It is also stated that the petitioner has not submitted any link documents, as such, once again application was returned on 28th January, 2014.

4. The petitioner filed reply to the counter affidavit stating that petitioner has again resubmitted the application along with sanction plan showing 100 feet road, but still no orders are passed. It is further stated that the petitioner will resubmit the application along with the link documents.

5. Heard learned counsel for the petitioners as well as learned Standing Counsel for the respondents.

6. Since application for permission has to be considered by the 2nd respondent and it is for the petitioner to comply with all the conditions for grant of such permission for construction of site. It is open for the petitioner to resubmit the same by complying with the objections raised by the 2nd respondent. If the petitioners submit the said application along with relevant documents and if the same is in conformity with the rules and regulations of the Corporation, the 2nd respondent may consider and pass appropriate orders on the said application.

Accordingly, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

20.01.2015.
KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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