

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

WRIT PETITION NO.22496 of 2015

Between :

Thakur Harinath Singh @ Nagaraju,
S/o.Late Devi Singh, Aged about 53 yrs,
Occu : Agriculture, R/o.Pangal, Nalgonda,
Presently residing at Plot No.86, Road No.15,
New Gayatri Nagar Colony, Jillelaguda,
Hyderabad-500097 & another

.. Petitioner

and

The State of Telangana, rep., by its
Principal Secretary to Government,
Municipal Administration and Urban Development,
Secretariat Building, Hyderabad – 500 022 & others

.. Respondents

DATE OF JUDGMENT PRONOUNCED : 21.07.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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1. Whether Reporters of Local Newspapers : Yes / No
may be allowed to see the Judgments ?

2. Whether the copies of judgment may be : Yes / No
marked to Law Reporters/Journals

3. Whether Their Lordship wish to : Yes / No
see the fair copy of the Judgment ?

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22496 of 2015

ORDER :

The petitioners are aggrieved by the building permission granted in favour of respondents 4 to 9 on 11.03.2015. The petitioners allege that the building permission was illegally granted and even before the building permission was granted objections were filed by them, but the same were not considered and permission was granted by the Commissioner. Even after granting of permission, representations were submitted by the petitioners to the Commissioner, but the same were not acted upon.

2. Against any decision of the Municipal Commissioner, granting building permission, an appeal shall lie to the Municipal Council under Section 345 (1) of the Andhra Pradesh Municipalities Act, 1965. With out availing the said remedy of appeal, the petitioners instituted this writ petition.

3. Thus, the writ petition at this stage is not maintainable on the ground of availability of alternative and efficacious remedy to the petitioners by way of appeal to the Municipal Council. It is always open to the aggrieved party to raise all the contentions as available in law before the appellate authority. Thus, leaving it open to the petitioners to avail the remedy of appeal before the Municipal Council, against the decision of the Municipal Commissioner in granting building permission to respondents 4 to 9 on 11.03.2015, this Writ petition is disposed of. It is needless to observe that as and when appeal is filed, the Municipal Council, shall consider the same after putting on notice the persons in whose favour the building permission was granted and pass appropriate orders as warranted by law, within a period of six (6) weeks from the date of receipt of such appeal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

21st July, 2015.

Rds