

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3043 OF 2015

ORDER

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Questioning the legality of the Memo dated 24.01.2015 issued by the 2nd respondent, this writ petition is filed.

Briefly, the petitioners case is that they purchased plots Plot Nos.82, 83 and 84 admeasuring 35 Sq.yds each in Sy.Nos.26, 27, 29 and 30 by virtue of different registered sale deeds in Warangal Municipal limits. Subsequently, they applied for construction permission to construct commercial building in the total extent of 105 Sq.yds, vide B.A.No.272C No.1/G2/3732/2014 dated 18.11.2014 and paid an amount of Rs.7,055/- towards KUDA charges, Rs.79,441/- towards planning fee, realty, external betterment charges and sports cess etc, and the petitioners paid an amount of Rs.20,417/- as per the printed building fee issued by the 2nd respondent. They submit that as they have not received any communication from the 2nd respondent with regard to granting or rejection of permission within 30 days, they started construction. While so, the respondents issued the impugned Memo rejecting the building permission, stating that W.P.No.15773 of 2008 is pending before this Court.

Heard learned counsel for the petitioners and Sri C.V.Bhaskar Reddy, learned Standing counsel for respondent-Corporation.

The petitioners' counsel submits that W.P.No.15773 of 2008 stated in the impugned Memo was already withdrawn on 20.11.2014, which is much prior to the issuance of the impugned Memo and the authorities without application of mind have rejected the building permission of the petitioners.

Since the only ground for rejecting the building permission is pendency of W.P.No.15773 of 2014, which was already withdrawn by the petitioners therein on 20.11.2014, the impugned order is passed without application of mind, and hence the same is set aside and the 2nd respondent is directed to consider the application of the petitioners for building permission and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of copy of this order. Meanwhile, there shall be *status quo* obtaining as on today.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous petitions, pending if any shall stand closed.

A.RAJASHEKER REDDY,J

Date: 24.02.2015

Note:

Issue CC by 02.03.2015

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