

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

-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 31705 of 2015

DATE: 7.10.2015

Between :

Mohd Arif Mohiuddin S/o Jamal Mohammed

R/o H No. 3-2-53, Raipura, Hanamakonda,

Warangal

.... Petitioner

And

State of Telangana

Dept of Municipal Admn

Rep by its Prl Secretary, Secretariat Hyderabad and others

.... Respondents

Court made the following order:-

-
-
-
-
-
-
-
-
-
-
-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 31705 of 2015

Order:

Petitioner claims to be absolute owner and possessor of open plot No. 32 (part) in LRSDP NO. 68/2008 admeasuring 56.88 wq yards in Survey No. 474, Waddepalli, Hanamakonda mandal, Warangal. Petitioner applied for building permission on 23.10.2013 and the same was rejected by proceedings dated 19.11.2013 on the ground that said plot should be subdivided.

2. Heard learned counsel for petitioner, learned Government Pleader for

Municipalities for first respondent, Smt Pingali Lakshmi, learned standing counsel for respondents 2 and 3 and Sri M Ajay Kumar, learned counsel for fourth respondent.

3. According to learned counsel for petitioner, this objection is wholly illegal and there is non application of mind on the part of the authority. The sub division was already done as evident from proceedings of the Vice Chairman, Kakatiya Urban Development Authority, Warangal dated Nil, March, 2012, enclosed as Ex.P5 along with the writ petition. According to the learned counsel for petitioner in terms thereof, the municipal corporation records were also corrected.

4. Proceedings dated Nil-March, 2015 disclose that on examination by the technical staff of the authority, the Kakatiya Urban Development Authority requested the Commissioner Warangal Municipal Corporation to implement the sub division as per layout rules and building rules duly collecting charges payable. There appears to be no application of mind. The objection raised in the order impugned is not valid and is liable to be set aside. The impugned order dated 19.11.2013 is set aside and the matter is remitted to the competent authority for consideration of the building permission application of the petitioner dated 23.10.2013 without reference to objection earlier noted. A decision with reference to the entitlement of the petitioner for building permission has to be taken expeditiously, preferably within a period of three weeks from the date of receipt of copy of this order.

5. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

_____ **P.NAVEEN RAO,J**

Date: 7.10.2015.

tvk

-

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 31705 of 2015

DATE: 7.10.2015