

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition Nos. 32035 of 2011 and W.P.No.6125 of 2015

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COMMON ORDER :

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Since the subject property involved in both the writ petitions is one and the same, both the writ petitions are heard together and disposed by way of this Common Order.

2. W.P.No.32035 of 2011 is filed seeking writ of mandamus declaring the action of the respondents 1 and 2 in not canceling the building permission issued in favour of 3rd respondent in respect of house plot in H.No.2-11-P 419, Ganesh Street, Jangaon Town and Mandal, Warangal District in pursuance of the proceedings Roc.No.H1/840/2011, dated 08.09.2011 as illegal and arbitrary and consequently to direct the respondents 1 and 2 to cancel the permission granted in favour of the 3rd respondent.

3. W.P.No.6125 of 2015 is filed seeking writ of mandamus declaring the action of the 2nd respondent at the instance of 3rd respondent in obstructing construction works of the petitioner as per the sanctioned plan vide Roc.No.H1/133/2011, dated 19.05.2011 under the guise of the Endorsement dated 08.09.2011, wherein the petitioner was directed to remove the encroachments on the 30' wide public road on eastern side of his land, as illegal and arbitrary and to quash the endorsement Roc.No.H1/840/2011, dated 08.09.2011 issued by the 2nd respondent.

4. The respondent Corporation filed counter stating that the petitioner himself has removed the structures and complied with the notice issued by the respondents. As such, nothing survives for adjudication in this writ petition.

5. Heard both sides.

6. Learned counsel for the petitioner submits that entire construction has been completed except compound wall.

7. Admittedly, the alleged building permission was granted on 08.09.2011 by the respondents 1 and 2 in favour of 3rd respondent and the same is valid for a period of three years. Due to efflux of time, the permission has expired and nothing survives for consideration in the writ petition i.e., W.P.No.32035 of 2011.

8. Even in the W.P.No.6125 of 2015 also, this Court cannot issue mandamus allowing the petitioner to make construction on the permission which has elapsed by efflux of time. Therefore, nothing survives for adjudication in this writ petition also. However, if the petitioner wishes to construct compound wall, he can make fresh application for sanction/renewal of the existing permission. On such application, the respondent Corporation shall issue notice to both parties and after considering the objections, pass appropriate orders on the application filed by the petitioner in W.P.No.6125 of 2015 in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, both these writ petitions are disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous applications, if any pending in these Writ Petitions, shall stand dismissed.

_____ **A.RAJASHEKER REDDY, J**

28.10.2015.

KVS

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

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W.P. Nos.32035 of 2011 & 6125 of 2012

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Date: 28-10-2015

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