

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3383 OF 2015

ORDER:

This writ petition is filed seeking *Writ of Mandamus* directing the respondents 3 to 5 to release approval for construction of Commercial Complex as per the application dated 18.01.2013. The case of the petitioner is that his forefathers were Rajas of erstwhile Jataprole Samsthanam in Mahboobnagar District and they have constructed a big palace amidst of the present Kollapur Town. After abolition of Jagirs, The District Collector, Mahboobnagar vide proceedings dated 26.03.1954 conferred title to the land 90' feet from East West and 556' feet from North-South in addition to other sides of the palace. While so, when Gram Panchayat, Kollapur questioned the petitioner's title to the land in front of his palace and claimed that the said land belongs to Gram Panchayat, the petitioner filed a suit in O.S.No.56 of 1996 for perpetual injunction and the suit was decreed on 05.02.2005 and became final as the Gram Panchayat did not prefer an appeal against the judgment. Basing on the representation made by the petitioner on 12.06.2013 to the 3rd respondent, the 5th respondent forwarded proposal for construction of commercial shopping complex consisting of ground floor in front of petitioner's palace. Subsequently, on receipt of petitioner's application and enclosures of the 5th respondent, the 3rd respondent directed the 4th respondent to inspect the site and submit his proposals. Accordingly, the 4th respondent submitted his proposals and basing on the same, the 3rd respondent forwarded Technical Clearance as per G.O.Ms.No.168 MA, dated 07.04.2015. Thereafter, the 5th respondent issued letter No.A2/85/2014 dated 03.02.2014 asking the petitioner to comply with the conditions laid down therein and in respect of the same, the petitioner on 28.07.2014 filed replied to the 5th respondent stating that he has complied with all the objections raised in letter dated 03.02.2014. In spite of the same, the respondents are not passing orders on the application made by the petitioner on 18.01.2013 seeking building permission for construction of commercial complex. Aggrieved by the same, the present writ petition is filed.

Counter is filed by the 5th respondent stating that since there are title disputes in respect of the subject property, they could not take a decision on the application made by the petitioner on 18.01.2013.

Heard the learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing counsel for the 5th respondent.

In the instant case, it is unfortunate that the 5th respondent took more than one year to pass orders on the application made by the petitioner on 18.01.2013. Though the petitioner has complied with all the objections raised by the 5th respondent, the 5th respondent is sitting idle on the application made by the petitioner, which shows the laxity on the part of the 5th respondent. This type of attitude cannot be appreciated. However, since the application made by the petitioner on 18.01.2013 is pending before the 5th respondent, the 5th respondents is to take a decision in pursuance to the reply filed by the petitioner on 28.07.2015 within a period of two weeks from the date of receipt of copy of this order and take appropriate action thereon and intimate the same to the petitioner within two weeks.

Accordingly, the 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

22.04.2015

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