

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

WRIT PETITION No.24101 of 2015

Between:

Malisetti Dorasani,
W/o. Nagendra Rao,
Aged about 43 years,
R/o. 18-111/1, Kothapeta,
Nuzvidu Town, Krishna District.

.. Petitioner

AND

The Nuzvidu Municipality,
Rep. by its Commissioner,
Nuzvidu, Krishna District & 2 others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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| 1 | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2 | Whether the copies of judgment may be marked to Law Reports/Journals | No |
| 3 | Whether His Lordship wish to see the fair copy of the Judgment? | No |

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner claims to have purchased house site admeasuring 238.33 square yards in Survey No.747/2, situated at Nuzvidu Town, by way of a registered Sale Deed bearing Document No.5106 of 2014, dated 28.07.2014. On 28.02.2015, the petitioner made an application to the Commissioner, Nuzvidu Municipality, Nuzvidu, Krishna District (1st respondent) for permission to construct residential building consisting of ground plus first floor by duly following the requisite formalities. By Endorsement in B.A.No.38/2015-G1, dated 23.03.2015, the application submitted by the petitioner was returned on the ground that the boundaries are not tallying with the records. The petitioner challenges the said decision and contends that the respondent authority has no competence to go into the issue of boundaries.

2. Learned counsel for the petitioner contends that what is stated in the Endorsement is not correct. The boundaries as described in the Sale Deed are in tune with the physical possession and erroneously, the request of the petitioner was rejected.

3. It is pointed out by the respondent authorities that the plan submitted by the petitioner is not matching with the boundaries surrounding the place.

4. If the petitioner has sufficient explanation, the petitioner ought to have placed before them and requested for re-consideration. I am not in agreement with contention on competence of respondent authority to go into the issue of boundaries.

5. In the facts of this case, having regard to the contentions urged by the petitioner, I am of the opinion that liberty may be granted to the petitioner to re-submit the building plan application with sufficient material in support of the claim of the petitioner that whatever boundaries are available in physical possession of the petitioner are tallying with the document by which the petitioner has purchased. On such re-submission, the respondent Municipal Corporation shall consider the same in accordance with the rules and regulations governing the building permissions without regard to the earlier rejection. If necessary, a physical inspection may be conducted in the presence of the petitioner by identifying the boundaries by duly putting the petitioner on notice in advance. After physical inspection, appropriate decision as required may be taken within a period of two (2) weeks thereafter.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 3rd August, 2015
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HON'BLE SRI JUSTICE P.NAVEEN RAO

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