

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.2767 of 2016

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Date: 03.02.2016

Between:

P.Venkateswar Rao

.. Petitioner

and

The State of Andhra Pradesh
Municipal Administration Dept.,
Hyderabad, rep. by its Prl.Secretary
and 2 others

.. Respondents

Counsel for the petitioner : Mr.Palanki Rama Mohan

**Counsel for respondent Nos.1 & 3: GP for Municipal
Administration**

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent Nos.1 to 3, in withholding building permission in respect of premises bearing Door No.85-12-6, RS.No.388/1 of V.L.Puram, Rajahmundry, as illegal and arbitrary.

A perusal of the record shows that by proceeding, dated 27-08-2013, respondent No.3 has granted technical approval for construction of group housing by the petitioner. On 29-04-2014, respondent No.2 has called upon the petitioner to comply with certain requirements such as submitting corrected plans *etc.* Accordingly, the petitioner has submitted his plans and also paid a sum of Rs.29,58,700/- towards fees for grant of permission. By endorsement, dated 14-09-2015, respondent No.2 has informed the petitioner that he has to still submit certain particulars and fulfill some other conditions. He has also directed the petitioner to stop the construction being carried out by him till release of the approved plans, failing which, the same will be treated as unauthorized construction and action will be initiated under the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

It is the pleaded case of the petitioner that he has complied with all the conditions contained in the approval issued by respondent No.3 on 27-08-2013 and that endorsement, dated 14-09-2015, issued by respondent No.2 has not specified the particulars, which he has not furnished and the conditions, which he has not fulfilled.

On a perusal of the aforesaid endorsement, this Court finds merit in the plea of the petitioner. In the said endorsement, the Deputy City Planner of respondent No.2- Corporation has not indicated the particulars and the conditions, which the petitioner has, allegedly, not furnished and fulfilled respectively. The petitioner cannot be expected to comply with the requirements of respondent No.2 unless they are specified and communicated to him. In this view of the matter, respondent No.2 is directed to send a fresh communication to the petitioner specifically pointing out the particulars to be furnished and the conditions to be fulfilled by him. Within two weeks of receipt of such communication, the petitioner shall send appropriate reply to respondent No.2. Thereafter, respondent No.2 shall take a final decision and

communicate the same to the petitioner. Till this process is completed, respondent No.2 shall not remove any of the constructions made by the petitioner and the petitioner on his part shall not raise further construction.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP. Nos.3463 and 3464 of 2016, filed by the petitioner for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 3rd February, 2016
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