

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.20076 of 2009

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief/s:-

“....to issue a writ order or direction more particularly in the nature of Writ of Mandamus declaring the inaction of the Respondents in not considering the representation made by the Petitioner on several occasions and the last one on 03.11.2008, in which the Petitioner Sought for the permission of the respondents for change of the land use from commercial Purpose, and earlier from the year 2002 on wards, and even though the Petitioner submitted all the papers as per the instructions of the Respondents is illegal, violating the fundamental rights guaranteed by Articles 14, 16 and 21 of the Constitution of India, and against the principles of natural justice, and consequently to declare the in action of the Respondents is illegal and to direct them to consider the representation of the petitioner dated 03.11.2008, as per law, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

(Reproduced Verbatim)

2. I have heard the submissions of the learned counsel for the writ petitioner and the learned standing counsel for the 3rd respondent-Chilakaluripet Municipality. I have perused the pleadings of the parties.

3. The issue involved is in regard to the change of land use from commercial purpose to industrial purpose. The grievance of the writ petitioner is that his representation in that regard dated 03.11.2008 is not being considered and disposed of by the respondents.

4. A perusal of the counter affidavit filed by the 3rd respondent would show that the first respondent-The Director of Town and Country Planning, Hyderabad had instructed the 3rd respondent Municipality to advise the applicant to resubmit the proposal with registered ownership documents to the Government through the first respondent for taking necessary action and that on that, the 2nd respondent had sent a letter dated 11.10.2002 instructing

the applicant to resubmit the proposal with copies of registered ownership documents for the site for taking further action in the matter and that accordingly, an endorsement was given on 11.11.2002 to the petitioner informing about the said aspect of the matter, but, the petitioner had kept quiet for several years and had ultimately filed this writ petition belatedly after submitting a representation dated 03.11.2008 without complying with the request in the endorsement to submit the representation along with registered ownership documents.

5. At the hearing, the learned counsel for the writ petitioner, having sought instructions from the writ petitioner, would submit that the writ petitioner is now prepared to comply with the demand in the endorsement and is prepared to submit a fresh representation or proposal with registered ownership documents as stated in the counter affidavit of the 3rd respondent and that therefore, the writ petition may be disposed of accordingly with appropriate directions.

6. The learned Standing Counsel appearing for the 3rd respondent-Chilakaluripet Municipality, while endorsing the said submission, would state that if the direction now being sought for by the writ petitioner is given, and if the writ petitioner complies with the requirements in the endorsement while submitting a fresh representation with registered ownership documents the same would be considered and disposed of and that such a course would meet the ends of justice.

7. Recording the said submissions, the writ petition is disposed of giving liberty to the writ petitioner, if it so desires and so chooses, to resubmit the proposal or representation along with the registered ownership documents to the Government through the first respondent for taking necessary action in the matter. It is made clear that the writ petitioner shall submit such a proposal or representation with necessary documents within a period of one (01) month from the date of receipt of a copy of this order and that on receipt of the same, the first respondent shall forward the same to the Government, as expeditiously as possible and at any rate not later than one month thereafter

for consideration and disposal of the fresh representation of the petitioner by the Government in strict accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

08th February, 2016
Bvv

M.Seetharama Murti, J