

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 21316 of 2016

ORDER :

Heard the learned counsel for the petitioner and Sri A.Panduranga Rao, learned Standing Counsel appearing for respondent No.2. At the request of both the counsel, the Writ Petition itself is taken up for disposal at the stage of admission. Since this Court is not adjudicating the case on merits, it may not be necessary to hear unofficial respondents 3 to 5.

2. The present Writ Petition came to be filed with the following prayer:

“... to issue an appropriate writ, order or direction particularly one in the nature of writ of Mandamus directing the respondent No.2 to consider the objections submitted through notice dated 25.4.2016 requesting not to sanction the plan in respect of the property bearing Door Nos. 3-19-34/1 and 3-19-35, Assessment No.2241, 3rd Lane, Old Pattabhipuram, Guntur, declaring its inaction as illegal, violative of Articles 14 and 300-A of the Constitution of India and violation of Doctrine of principles of natural justice besides being in violation of the provisions of the Hyderabad Municipal Corporation Act, directing not to proceed further and pass...”

3. The averments in the affidavit filed in support of the Writ Petition would go to show that respondents 3 to 5, in

collusion with each other, made an application to respondent No.2 for sanction of plan in respect of property bearing Door Nos. 3-19-34/1 and 3-19-35, Assessment No.2241, 3rd Lane, Old Pattabhipuram, Guntur, allegedly obtained basing on compromise decree dated 04.02.2016 in A.S.No.785 of 2008 on the file of this Court. It is the case of the petitioner that he is respondent No.3 in the Appeal Suit and without issuing any notice to him, the compromise decree came to be passed and that he filed A.S.M.P. Nos. 845 of 2016 and 846 of 2016 in the said appeal to set aside the compromise decree. It is his grievance that he got issued a lawyer's notice dated 28.04.2016 to respondent No.2 putting forth objections for sanction of the building plan, but, there is every likelihood of respondent No.2 sanctioning the plan without considering the objections. Learned Standing Counsel for the respondent No. 2, on instructions, submits that the petitioner has not made any representation raising objections, but only got issued lawyer's notice dated 28.04.2016, and if he makes any representation, the same would be considered and action will be initiated by following due procedure contemplated under law.

4. Having regard to the circumstances of the case and without going into the merits of the case, respondent No.2 is directed to consider the objections raised by the

petitioner in the lawyer's notice dated 28.04.2016 got issued by him, by treating the same as objection/representation, to the application submitted by unofficial respondents for sanction of building plan in respect of property bearing Door Nos. 3-19-34/1 and 3-19-35, Assessment No.2241, 3rd Lane, Old Pattabhipuram, Guntur, if the same still pending consideration, and pass appropriate orders as early as possible preferably within a period of four weeks from today, after giving opportunity of hearing to petitioner and unofficial respondents.

5. The Writ Petition is disposed of with the aforesaid direction. Miscellaneous petitions pending, if any, in the Writ Petition shall stand closed in the light of this final order. No order as to costs.

C.PRAVEEN KUMAR, J

30.06.2016

DRK

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