

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.12234 of 2016

ORDER:

Heard Sri Shafath Ahmed Khan, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the Mahabubnagar Municipality.

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, the Petitioner prays that this Hon'ble Court may be pleased to issue an appropriate writ order or direction, more particularly a writ in the nature of writ of Mandamus, declaring the inaction of the 2nd Respondent in not considering the application for building permission dt: 22/03/2014 submitted to the 2nd Respondent for the construction of the building in plot No: 8 in Sy. No. 247 in the land to an extent of 300 Sq. yds situated at Yenugonda Village, Mahabubnagar district as arbitrary, illegal and in violation of the provisions of Municipalities Act and Articles 14 and 300 A of constitution of India and consequently to direct the 2nd Respondent to consider the building permission application dt: 22/03/2014 and pass appropriate orders granting permission for the construction of the building in plot No.8 in Sy. No. 247 in the plot to an extent of 300 Sq. yards, Yenugonda Village, Mahabubnagar District, in the interest of justice and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

As the grievance of the petitioner is that the building permission application made by him as long back as on 22.03.2014 is still pending consideration before the municipal authorities and it is not open to them to remain somnolent in discharge of their usual functions, this Court sees no purpose in entertaining this writ petition for adjudication on merits. It is for the municipal authorities to consider the petitioner's application on its own merits and in accordance with law and take a decision thereon.

The writ petition is accordingly disposed of directing the Mahabubnagar Municipality to consider the petitioner's application dated 22.03.2014, whereby he sought permission to construct a building, in accordance with the relevant norms and take a decision thereon. In the event the Municipality decides to deny such permission, the reasons therefor shall be duly recorded and communicated to the petitioner. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

13th April, 2016
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