

THE HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.585 OF 2013

ORDER:

The inaction of 3rd respondent in considering the request of petitioner for grant of building permission keeping in view the possession certificate dated 19.01.2002 and resolution of Gram Panchayat dated 28.02.2005 is complained as illegal, arbitrary and amounts to refusing to exercise jurisdiction conferred on 3rd respondent.

Counsel for 3rd respondent fairly states that the competent authority viz., Executive Officer should have taken a decision on the resolution of the Gram Panchayat. Since no decision is taken as on date, the Executive Officer, Darsi Gram Panchayat/3rd respondent may be directed to consider the request of petitioner within reasonable period and take a decision.

Having regard to the limited submission of learned counsel appearing for the parties, without going into merits, the writ petition is disposed of by this order.

The 3rd respondent is directed to consider the request of petitioner for grant of building permission within four weeks from the date of receipt of a copy of this order, take into consideration possession certificate as well as Gram Panchayat resolution, pass appropriate orders and communicate the same to the petitioners.

The petitioner is also given liberty to communicate copy of this order to respondents along with request made by the petitioner for grant of building permission.

There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, stand closed.

Date:18.10.2016

Lrkm

S.V.BHATT, J

