

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.9600 of 2016

ORDER:

Heard Sri N. Subba Rao, learned counsel for the petitioner, and Sri D. Ramesh, learned Standing Counsel for the Andhra Pradesh Capital Region Development Authority, Vijayawada, Krishna District.

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

“For the reasons stated above, we pray that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction, declaring the action of the 2nd respondent in not taking decision to issue proceedings on the petitioners BPS Application submitted on 04.6.2008 relating to Flat No,405 (No.5 on the third floor), ABC Towers, Tadepalli, Guntur District which is numbered as C3/837/08 even after collecting the requisite penalization fee is contrary to the purport of the BPS Scheme and also contrary to the instructions issued by the 1st respondent in Govt. Memo.No.23583/M1/2011, dated 23.4.2013, and consequently direct the respondents to take decision on the petitioners BPS Application dated 4.6.2008 submitted to the 2nd respondent and numbered as C3/837/2008 relating to Flat No.405 (No.5 on the third floor), ABC Towers, Tadepalli, Guntur District, and pass appropriate orders thereon and pass such other or further orders as are deemed fit and proper.”

The petitioner claims to be the purchaser under the original applicant.

Sri N. Subba Rao, learned counsel, would point out that the respondent – authority is yet to consider the BPS application dated 04.06.2008 submitted by the petitioner though the requisite penalization fee was collected.

The writ petition is accordingly disposed of directing the second respondent – authority to take a final decision upon the BPS application dated 04.06.2008 submitted by the petitioner and communicate the same to him. 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

Date:23.03.2016

GJ/PGS