

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.44213 of 2016

Date: 21.12.2016

Between:

C.Gopinath, S/o Rama Rao, Aged 42 years,
Occu: Business, H.No.5-7-1/456 to 463,
Hariharapuram, Vanasthalipuram,
Hyderabad.

.....Petitioner

and

State of Telangana, rep.by its Principal
Secretary, Municipal Administration and
Urban Development Department, Secretariat
Buildings, Tank Bund, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

Building permission application submitted by the petitioner was processed and by letter No.1/C3/01405/2016, dated 22.11.2016, petitioner was informed of the shortfalls noticed in the said application.

2. The letter refers to several objections. Learned counsel for petitioner submits that except the remarks against serial No.3.6, petitioner had complied with all other requirements and insofar as the objection against serial No.3.6, learned counsel for petitioner would submit that this is not falling within the alleged buffer zone nor it is within the distance mentioned in the A.P.Building Rules, 2012 and, therefore, the objection is not valid.

3. As seen from the proceedings impugned in the writ petition, it is only letter communicated to the petitioner informing him that shortfalls are noticed in the application. If petitioner has sufficient explanation on the shortfalls noticed, he ought to have file reply justifying the building permission application filed by him and that objection raised is not valid. On the contrary, petitioner invoked jurisdiction of this Court and invites the finding from this Court on that issue even before they were considered by the competent authority.

4. When the same is pointed out, learned counsel for petitioner fairly submits that liberty may be granted to the petitioner to respond to the shortfalls pointed out in letter dated 22.11.2016

and to satisfy the competent authority that the objection is not valid and it is not vitiated by the said objection and the application filed by him for construction of building is validly made.

5. Granting such liberty, writ petition is disposed of. There shall be no order as to costs.

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

JUSTICE P.NAVEEN RAO

Date: 21.12.2016
kkm



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