

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.5234 of 2012

ORDER

This writ petition is filed seeking to declare the action of the 1st respondent in not granting building permission to the petitioner in respect of Sy.No.708/2, Mamillapalli Village, C.K.Dinne Mandal, Kadapa Division.

The petitioner is an educational and welfare society, which claims to have been allotted the land in an extent of Ac.4.22 cents in Sy.No.136/6 of Cherlopalli Village, C.K.Dinne Mandal. But, ultimately, proposals were submitted for an extent of Ac.4-00 cents in Sy.No.708/1, 708/3, 709/1, and 709/3. The said proposals were also revised for an extent of Ac.4.48 cents in Sy.No.708/2 and 709/1. The petitioner applied for building permission to the first respondent on 14.6.2011 and drawn a cheque for Rs.79,883/-. When the first respondent issued an endorsement on 16.7.2011 for furnishing certain documents and payment of Rs.44,625/-, the petitioner submitted a representation on 12.8.2011 stating that a sum of Rs.86,800/- has already been paid and as to the reason why it has to pay the additional amount of Rs.44,625/-. As the said representation was not considered, the present writ petition was filed.

A counter-affidavit is filed on behalf of the 3rd respondent stating that the District Collector, YSR District has permitted for granting advance possession of the total extent of Ac.4-00 of land

i.e., Ac.0-64 cents in Sy.No.708/1, Ac.1.09 cents in Sy.No.708/3, Ac 1.08 cents in Sy.No.708/3, Ac.0-25 cents in Sy.No.709/1 and Ac 2.03 cents in Sy.No.709/3. However, Ac.0.65 cents of land in Sy.No.708/2 was not alienated to the society. In those circumstances, the first respondent issued an endorsement asking the petitioner to furnish certain certificates apart from paying the amount of Rs.44,625/-.

No counter-affidavit is filed by the first respondent.

Since the writ petition is filed seeking a direction to the first respondent to consider the application of the petitioner for building permission in respect of the land in Sy.No.708/2 and since the petitioner states that it has already submitted the required documents, the Writ Petition is disposed of with a direction to the 1st respondent to consider the documents alleged to have been submitted along with the representation dated 12.8.2011 and consider the application No.658/G1/2011, dated 14.6.2011 of the petitioner, in accordance with law, and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

8th November, 2016
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