

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.13905 OF 2015

DATED:28-01-2016

Between:

Addala Mangatayaru

... Petitioner

And

State of Andhra Pradesh
Rep. by its Principal Secretary
Panchayat Raj Department
Secretariat Buildings
Hyderabad
and others

... Respondents

COUNSEL FOR THE PETITIONER: Mr. Rambabu Koppineedi

COUNSEL FOR RESPONDENT NOs.1 and 3: A.G.P. for Panchayat
Raj (AP)

COUNSEL FOR RESPONDENT NO.2 : A.G.P. for Revenue (AP)

COUNSEL FOR RESPONDENT NO.4 : Mr. Ravi Cheemalapati

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the inaction of respondent No.4 in processing and considering the petitioner's application for building permission, as illegal and arbitrary.

In the counter affidavit filed by the Secretary of respondent No.4, he has *inter alia* stated that the petitioner has submitted the application without filling the particulars and without signing the same, that immediately the answering respondent has asked the petitioner to duly fill up the particulars on the application to which the latter has responded that she will fill the application on the next date and that as the petitioner did not turn up as promised, respondent No.4 has passed a resolution on 22.05.2014 to the effect that the petitioner's application will be considered after conducting survey and after obtaining the survey report. In paragraph 11 of the counter affidavit, it is averred that they are awaiting report from the Surveyor.

The petitioner filed a copy of the application for building permission a perusal of which shows that it contains his signature. If the petitioner's application did not contain any signature, there was no need for respondent No.4 to pass a resolution to the effect that the said application will be considered after receiving the survey report. Thus, the stand taken by respondent No.4 is not worthy of acceptance. Moreover, there was no reason for respondent No.4 to not get the survey report expeditiously and consider the petitioner's application for building permission. As regards the survey, the petitioner has filed a copy of the survey report dt.25.3.2015 prepared by the Mandal Deputy Surveyor, Mamidikuduru. The authenticity of this document is not disputed by respondent No.4. Therefore, I do not find any reason for respondent No.4 not to consider the application of the petitioner for

building permission and rely upon this survey report. On the facts of the case, this Court is of the opinion that respondent No.4 has not acted bona fide in considering the application of the petitioner, and offered lame excuses in this regard.

For the above mentioned reasons, respondent No.4 is directed to forthwith consider the petitioner's application in the light of the survey report dt.25.03.2015 of the Mandal Deputy Surveyor, Mamidikuduru, take a decision and communicate the same to the petitioner within three weeks from the date of receipt of this order.

The writ petition is accordingly allowed with costs of Rs.5,000/- (Rupees five thousand only) to be paid by respondent No.4 to the petitioner.

As a sequel to disposal of the writ petition, W.P.M.P. No.18219 of 2015 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

28-01-2016

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