

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41472 of 2016

Date: 30.11.2016

Between:

Byreddy Hemanth Reddy s/o. Narsi Reddy,
Aged about 44 years, Occu:Business,
R/o. Plot No.70, Happy Homes, Nalgonda
Town and District.

.....Petitioner

And

The State of Telangana, rep.by its Principal
Secretary, Municipal Admn. & Urban Development,
Secretariat, Hyderabad and others.



.....Respondents

The Court made the following:

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ORDER:

Petitioner applied to grant permission to dig a bore-well in the house plot belonging to him. When petitioner earlier applied to the Municipality for grant of permission, he was informed that Municipality is not concerned to grant such permission, but it is the Tahsildar, who is concerned to deal with the issue. When applied to Tahsildar, Tahsildar informed the petitioner that he is not the competent person since house plot is falling within the Municipality limits. In view of this confusion created by the authorities, throwing the petitioner from one authority to another, this writ petition is filed.

2. Paragraph-4 of G.O.Ms.No.47, Panchayat Raj & Rural Development (RD.IV) Department, dated 03.03.2003, clearly prescribes that permission has to be granted by the concerned authority, where property is located and in the instant case, as the house plot is falling within the Municipality limits, the Municipality has to consider the request. Therefore, the decision of the Municipality in driving the petitioner to Revenue authorities is erroneous and shows non-application of mind and lack of seriousness in attending to a citizen's grievance.

3. If the petitioner submits an application in accordance with the Section 219 of the Municipalities Act, 1965, the 2nd respondent-Municipality is directed to consider the same and pass appropriate orders as expeditiously as possible, preferably within a period of two weeks from the date of receipt of such application. Writ Petition is disposed of accordingly.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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