

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.17318 OF 2016

ORDER :

The case of the petitioner is that it has made an application for construction of building in respect of H.No.2-12-47, 2-12-47/1, 2-12-47/3, 2-12-47/7 and 2-12-47/8, Thokatta Village, opposite Secunderabad Club, Secunderabad Cantonment on 18.09.2012 and the same was returned on 26.01.2016 asking the petitioner to resubmit the plans with all the title deeds, sale deed so as to forward the same to Defence Estates Officer, A.P. Circle, Secunderabad for their verification. Thereafter, the petitioner resubmitted the fresh set of building plans complying with the observations made by the respondent-Board. In spite of the same, the respondent authorities are not disposing of the application filed by the petitioner on 18.09.2012 for grant of building permission.

The learned senior counsel for the petitioner submits that the respondent authorities are insisting for No Objection Certificate from District Collector which is not justified as per the judgment dated 19.06.2006 in W.P.No.11091 of 2006.

On the other hand, Sri K.R.Koteswara Rao learned Standing counsel for respondent Board submits that again the matter has to be referred to Defence Estates Officer under Section 236 of Cantonment Act, 2006.

Since it is stated that the petitioner has already complied with the objections raised by the respondent Board on 04.03.2016 vide letter dated 05.03.2016, it is for the respondent Board to consider and dispose of the same in accordance with law. Further in the letter issued by the respondent on 04.03.2016, there is no reference for obtaining NOC by the petitioner.

In view of the above facts and circumstances, the respondent

Board is directed to consider the application filed by the petitioner on 18.09.2012 and dispose of the same in accordance with law within a period of two (2) months from the date of receipt of copy of the order and thereafter take necessary action.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.06.2016
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