

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.30564 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction of the second respondent in considering the application dated 19.12.2015 for regularization of the petitioner's building bearing H.No.15-1-422/A & B situated at Industrial Estates, Warangal, as illegal and arbitrary.

2. Heard Sri Varanasi Venkateshwar, the learned counsel for the petitioner and Sri L.Prabhakar Reddy, the learned Standing Counsel for the respondents.

3. The petitioner submitted an application to the second respondent on 06.09.2009 for construction of building consisting of cellar, ground and first floors. The second respondent accorded permission vide Proceedings No.3737/APIIC-IALA/IP-WGL/Bldg.plans-17/2004 dated 07.09.2009. Subsequently the petitioner submitted an application dated 18.09.2009 for revised plan for construction of building consisting of cellar, ground, first, second and third floors. The second respondent granted revised permission vide Proceedings No.3737/APIIC-IALA/IP-WGL/Bldg.plans-22/2004 dated 01.10.2009. It appears that the petitioner made constructions in deviation of the sanctioned plan. The petitioner submitted an application dated 19.12.2015 to the second respondent for regularization of the constructions.

4. The contention of the learned counsel for the petitioner is that the second respondent is empowered to regularize the constructions made by the petitioner in view of G.O.Ms.No.152

Municipal Administration and Urban Development (M1)
Department, dated 02.11.2015.

5. At the time of arguments, the only relief sought for by the learned counsel for the petitioner is to direct the second respondent to dispose of the application of the petitioner dated 19.12.2015 as expeditiously as possible. The learned Standing Counsel for the second respondent also consented for the same.

6. In view of the submissions made by the learned counsel for both parties, this Court is not inclined to express any opinion whether G.O.Ms.No.152, dated 02.11.2015 is applicable to the building constructed by the petitioner or not. It is needless to say that the second respondent is the competent person to dispose of the application of the petitioner in accordance with law.

7. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both parties, the second respondent is hereby directed to dispose of the application of the petitioner dated 19.12.2015 in accordance with law as well as in the light of G.O.Ms.No.152, dated 02.11.2015, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

9. Consequently, Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 16.09.2016
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