

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.22245 OF 2016
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ORDER:

Heard Sri O.Manohar Reddy, learned Senior Counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for respondent No.1 and Smt.Pingali Lakshmi, learned Standing Counsel appearing for respondent No.2. With consent of the counsel appearing for both parties, the present Writ Petition is disposed of at the admission stage.

2. The present Writ Petition is filed with the following prayer:

“to issue a Writ, in the nature of a Writ of Mandamus or any other appropriate Writ, direction or order declaring the inaction of the Commissioner, Greater Warangal Municipal Corporation, the 2nd respondent herein, in not issuing the occupancy certificate for the Residential Apartment Building Blocks consisting of Cellar+Stilt+G+(4) upper floors for Block, A,B,E,F & Stilt+G+(4) upper floors with Stilt floor for blocks C,D,G,H with amenities blocks I & J in the house bearing D.No.2-434/2, 2-434/2, 2-434/e, 2-434/4 & 2-10-299, 2-10-289, 2-10-290 & 2-10-291 of Waddepally Village, Hanamkonda, Warangal District, as illegal and void, as the petitioner has complied with the Letter Roc.No.G1/36626/2012-2016, dated 02/04/2016 of the 2nd respondent as per its letter dated 20/06/2016, and direct 2nd respondent to issue the occupancy certificate forthwith.”

3. A perusal of the material on record would show that on 02.04.2016 the Commissioner, Greater Warangal Municipal Corporation (GWMC) – respondent No.2, gave intimation to the

petitioner asking him to comply with certain objections raised by the officials concerned for issuance of Occupancy Certificate. Pursuant thereto, the petitioner is said to have complied with the said objections through a letter dated 20.06.2016 and submitted all the relevant documents.

4. Learned counsel for the petitioner submits that though the petitioner complied with all the objections raised by the GWMC and submitted compliance report, till date no orders are passed thereon and he has also placed on record, the documents, which were submitted along with the compliance report to the objections raised, for issuance of Occupancy Certificate.

5. Learned counsel for the 1st respondent submits that necessary orders will be passed on the compliance report dated 20.06.2016 at the earliest.

6. Learned Standing Counsel for 2nd respondent-GWMC, on instructions, states that the Officer concerned is on leave and reasonable time may be given for passing appropriate orders on the said compliance report.

7. A perusal of Rule 26(b) of the Andhra Pradesh Building Rules, 2012 indicates that the Sanctioning Authority shall communicate the approval or refusal of the Occupancy Certificate within 15 days or may issue the same after levying and collecting compounding fee, if any. That being the position, the authorities ought to have passed an order on the Compliance Report dated 20.06.2016.

8. But, having regard to the facts and circumstances of the

case and without going into the merits of the case, the Writ Petition is disposed of directing the Commissioner, GWMC-respondent No.2 to pass appropriate orders on the Compliance Report dated 20.06.2016 submitted by the petitioner, for furnishing Occupancy Certificate on or before 26.07.2016 after giving an opportunity of personal hearing to the petitioner, if the authority concerned is not satisfied with the documents submitted along with the compliance report.

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

JUSTICE C. PRAVEEN KUMAR

Date:11.07.2016
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