

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.17717 of 2013

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the action of the respondents in not processing the building permission application form submitted by the petitioner in respect of Sy.No.673 of Guntur.

Heard, Sri Srinivas Rao Bodduluri, learned counsel for the petitioners, Sri Ancha Panduranga Rao, learned Standing Counsel for respondent No.1 and learned Government Pleader for Municipal Administration for respondent No.2.

According to the petitioners, they jointly purchased the land admeasuring 875 Sq. yards in Sy.No.673 of Guntur from one N. Sarojini for a valuable consideration of Rs.26,25,000/-. It is further stated that the petitioners' predecessors in title filed W.P.No.362 of 2005 against the respondents herein, questioning their action in not receiving the building permission application and this Court by way of an order, dated 31-10-2005 disposed of the said writ petition, granting liberty to the petitioners therein to submit fresh application, seeking permission to put up construction on the site in question. It is further stated that aggrieved by the said orders respondents herein preferred Writ Appeal No.325 of

2005 and the same was dismissed on 10-04-2008 and S.L.P.No.18460 of 2008 filed by the respondents also ended in dismissal on 11-08-2008. It is also stated that the respondents complied with the orders passed by this Court in W.P.No.362 of 2005 and approved the building permission. It is also averred that after approval of building permission in favour of the predecessors in title of the petitioners in respect of Sy.No.673, admeasuring 875 Sq. yards, the petitioners herein purchased the said land by way of registered sale deed vide document bearing No.7960 of 2012, dated 09-07-2012. It is also the case of the petitioners that after purchasing the said land the petitioners herein made an application before the appropriate authorities for mutation of entries in the name of petitioners and the Commissioner, Guntur Municipal Corporation also effected mutation in the name of the petitioners vide endorsement T.T.P. No.1967/2012/A-19, dated 15-02-2013. It is also the case of the petitioners herein that after mutation in the revenue records, the petitioners herein for the purpose of constructing a building in the said land made an application before the 1st respondent by paying requisite fee on 06-03-2013. In the above background, the grievance of the petitioners is that till date the respondents have not given any permission.

While ordering *rule nisi* on 21-06-2013 this Court granted interim direction in W.P.M.P.No.21543 of 2013, directing the 1st respondent to process the building permission application, in accordance with law.

No counter-affidavit is filed so far, opposing the writ petition.

In the facts and circumstances of the case, having regard to the nature of controversy and in the absence of any counter-affidavit, this Court deems it appropriate to dispose of the present writ petition by making the interim order as final order in the writ petition.

Accordingly, the writ petition is disposed of, directing the 1st respondent to process the building permission application said to have been submitted by the petitioners herein, in accordance with law, if not already processed. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

November 21, 2016

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