

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.5073 of 2012

ORDER:

The petitioner purchased an open land, admeasuring 1064 sq. yards in Sy.No.25/B situated at Kazipet Jagir Village, Hanumakonda Mandal, Warangal District, under registered sale deed dated 18.03.2011. He constructed a compound wall protecting the said land and raised temporary shed for watchman. The respondent - Corporation issued a notice dated 28.11.2011 asking the petitioner to stop construction work and, since construction of the compound wall was completed by that time, he submitted a reply on 07.12.2011. His case is that, because of Sakala Janula Samme, he could not apply and get permission for construction of compound wall and temporary shed. He applied for building permission on 15.12.2011 for construction of compound wall and a room by paying requisite amount of Rs.1,33,946/-. He also paid an amount of Rs.18,140/- towards development charges. When the respondent visited his land and tried to demolish the compound wall, he filed W.P.No.33661 of 2011 and, when the said writ petition came up for admission on 21.12.2011, the respondent - Corporation submitted that a letter of rejection was issued on 18.12.2011 and, in spite of the same, notice was ordered in the writ petition and the

same is pending. When the respondent – Corporation issued intimation on 09.01.2012 stating that further action on the disposal of the application of the petitioner will be taken only after receipt of legal opinion from the Municipal Standing Counsel, the present Writ Petition was filed.

A counter affidavit is filed by the respondent – Corporation stating that, in view of the applications filed by Sri Md.Allauddin, Smt T.Srilatha and Smt Y.Srividya, the respondent - Corporation noticed that there were some disputes with regard to the land; when the petitioner took up construction work, a notice was issued on 28.11.2011 followed by another notice dated 05.12.2011; at that stage, the petitioner filed an application for construction of AC sheet roof room and compound wall; the said application was rejected on 18.12.2011; suppressing the said fact, he filed W.P.No.33661 of 2011; after rejection of building permission, the petitioner resubmitted the same for reconsideration; in view of the pendency of W.P.No.33661 of 2011 and, pending civil disputes, the respondent - Corporation thought it fit to obtain legal opinion from the Municipal Standing Counsel; and, accordingly, intimation was given on 09.01.2012.

In view of the above facts, it is clear that the petitioner submitted an application for building permission initially, and the same was rejected on 18.12.2011. It was

resubmitted after complying with the objections on 21.12.2011, and an intimation was given to him that the resubmitted application would be processed after obtaining legal opinion from the Municipal Standing Counsel.

Though counter affidavit is filed on 24.04.2016, nothing is mentioned with regard to the legal opinion or further action taken on the resubmitted application.

In the circumstances, this Writ Petition is disposed of directing the respondent – Corporation to consider the application submitted by the petitioner for building permission on 15.12.2011, keeping in view the objections raised on 18.12.2011, and compliance of the same by the petitioner by resubmitting the application on 21.12.2011, and dispose of the same, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, disposed of.

Miscellaneous applications, if any, shall also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:22.11.2016
 usd

