

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.15837 of 2016

ORDER :

Heard the counsel for petitioners, and Sri S.D. Gowd
counsel for 2nd respondent.

2. The petitioners' grievance is that petitioners had applied in October, 2006 to 2nd respondent for sanction for making construction in their property, but no response has been received from 2nd respondent in that regard.

3. The counsel for petitioners states that on 20.05.2015 the petitioners applied under the Right to Information Act, 2005 to 2nd respondent as to the fate of their application, and the 2nd respondent had responded on 27.07.2015 that the file relating to the building application of petitioners is not traceable, and that as per B.A.No.271/2006/G1 entered in the B.A. Register, the application is rejected.

4. It is not disputed by the learned Standing Counsel for 2nd respondent that the alleged rejection was not communicated to petitioners. The grounds of such rejection are also not known, and copy of the said rejection is also not produced by 2nd respondent.

5. Unless the rejection of petitioners' application is

communicated to petitioners by 2nd respondent and the grounds of rejection are known to petitioners, the respondents cannot place reliance on any such rejection.

6. Therefore, the Writ Petition is allowed and petitioners are directed to give a copy of the application made by them to 2nd respondent for grant of building permission with evidence of payment of the requisite charges made in October, 2006 (since the application of petitioner is deemed to be pending with 2nd respondent), and the 2nd respondent, on receipt thereof, shall consider the same and pass appropriate orders in accordance with the law prevailing as on October, 2006.

7. Accordingly, the Writ Petition is allowed as above.
No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 03-08-2016

Ndr/*