

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.8130 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“This Hon'ble Court may be pleased to issue appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the Respondents in not accepting the application of the Petitioner dt. 04.03.2016 seeking Municipal Permission for constructing the RCC roofed premises in the property bearing Mpl.No.10-9-155, Varni X Road, Nizamabad as illegal, arbitrary as arbitrary, illegal and unconstitutional, violating Art.14, 16(4), 21 and 300-A of Constitution of India and consequently issue the direction to the Respondents to consider the application of the Writ Petitioner dt.04.03.2016 seeking municipal permission for constructing the RCC roofed premises in the property bearing Mpl. No.10-9-155, Varni X Road, Nizamabad and pass such other relief of reliefs as this Hon'ble Court deems fit and proper in the circumstance of the case.”

2. The matter having been adjourned to enable Sri V.Satyam Reddy, learned Standing Counsel for the Municipal Corporation of Nizamabad, to get instructions, learned Standing Counsel stated that the earlier application filed by the petitioner seeking permission to construct had been rejected. Learned Standing Counsel however fairly conceded that it is not open to the Municipal Corporation to refuse to receive the fresh application sought to be made by the petitioner seeking such permission afresh.

3. The Writ Petition is accordingly disposed of directing the Municipal Corporation of Nizamabad to receive the application dated 04.03.2016 made by the petitioner seeking permission to construct a building in the subject property and process the same

in accordance with law.

Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

March 28, 2016

LMV