

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11542 of 2016

ORDER:

Heard Sri M. Dhananjay Reddy, learned counsel for the petitioner, and Sri N. Praveen Kumar, learned Standing Counsel for the second respondent - Mahabubnagar Municipality.

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

“It is therefore prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction particularly a Writ in the nature of Mandamus declaring the inaction of the respondent No.2 herein in granting the revised building permission in House No. 8-3-2 in Sy.No.102/3 situated at Hyderabad Road, Government Hospital, Mahbubnagar District as illegal, arbitrary and violative of Article 14 and 19(1)(g) and 21 of the Constitution of India and consequently direct the respondent No.2 herein to grant the revised building permission to the petitioner over the said house forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Though Sri N. Praveen Kumar, learned Standing Counsel, would point out that in terms of the interim order dated 05.01.2016 granted by this Court in W.P.No.220 of 2016, the petitioner herein cannot proceed with further construction, the fact remains that the petitioner is only asking for revision of his building permission on paper and by considering such an application, there would be no violation of the interim order granted by this Court in W.P.No.220 of 2016, which restrains the petitioner herein from proceeding further with the construction on the ground.

As the municipal authorities are yet to consider the petitioner's applications dated 04.02.2016 and 10.02.2016 whereby he sought a revised building permission, this Court sees no reason to entertain this writ petition for adjudication on merits at this stage.

The writ petition is accordingly disposed of directing the

municipal authorities concerned to consider the afore-stated applications filed by the petitioner for revised building permission in accordance with law and take appropriate action thereon. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

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

JUSTICE SANJAY KUMAR

7th April, 2016

Note:-

Issue CC by 11.04.2016

B/o

PGS/IBL