

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

W.P.No.33600 of 2015

ORDER:

Heard the learned counsel for the petitioner and Sri N.Praveen Kumar learned Standing Counsel for the Municipality.

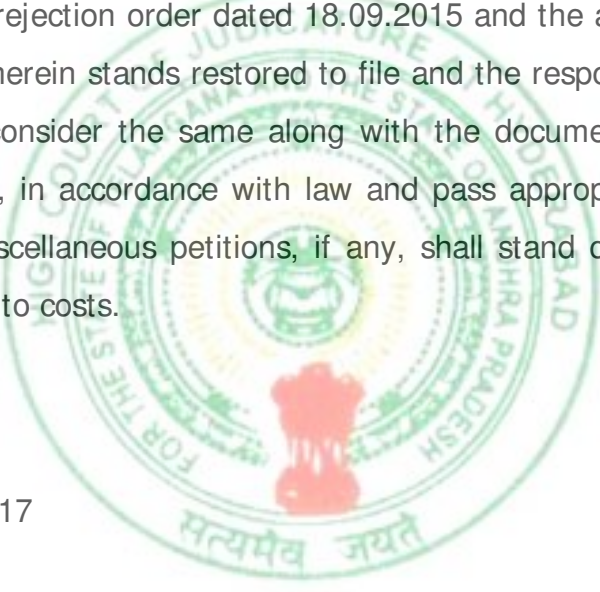
2. According to the petitioner herein originally his father purchased a house plot admeasuring 300 sq yards bearing Plot No.228 forming part of Sy.No.551/1 by virtue of a Registered Sale Deed bearing Doc.No.2599/1984 dated 16.08.1984 from Telangana Non-Gazetted Officers Association. It is submitted that the said plot was occupied by Sub-Nirmitha Kendra Housing Board without any manner of right or title. It is also stated that on the basis of which in pursuance to the negotiations, the then Gram Panchayat passed a resolution on 09.02.2005 pursuant to the letter of the Tahsildar bearing No.G/1145/2002 dated 30.07.2004, resolving to allot 300 sq yards of green land belonging to the Gram Panchayat situated in Sy.No.525/A.1/1, 524/A/1/2, 525/C, 525/C1, 6-3-840/C/1 in L.P.No.1/2005 situated in Mahabubabad village and Mandal, Warangal District.

3. It is the further case of the petitioner herein that the petitioner submitted an application on 18.09.2015, for building permission and the second respondent by virtue of the order under challenge dated 18.09.2015 rejected the said application. According to the learned counsel for the petitioner, the said action on the part of the respondents in rejecting the application of the petitioner on the same day without properly considering the documents is highly illegal, arbitrary and opposed to the very spirit and object of the provisions of the Telangana Municipalities Act, 1965 and the Rules framed there under. It is also alleged in the affidavit filed in support of the writ petition that the second respondent herein only to cover up the laches subsequent to the passing of the impugned order, served the show cause notice dated 07.09.2015 bearing Roc.No.972/A2/2015 dated 21.09.2015 through registered post acknowledgment due along with the impugned rejection order dated 18.09.2015. It is also the case of the petitioner herein that in response to the same, an explanation was submitted by the petitioner herein on 22.09.2015. It is also alleged in the writ affidavit that under the guise of the impugned rejection order dated

18.09.2015, the respondent authorities are causing interference and threatening to dispossess the petitioner from the subject property.

4. Admittedly, in the present case, the Grampanchayat, Mahabubabad passed resolution on 09.02.2005 allotting the above said land to the petitioner herein. The submission of documents along with explanation is also not disputed by the respondent municipality in its counter. Admittedly, the said aspect missed the attention of the second respondent. Therefore, this Court, in the facts and circumstances of the case, deems it appropriate to dispose of the present writ petition, with a direction to the respondents to reconsider the application of the petitioner herein dated 18.09.2015 and the documents enclosed with the same, strictly in accordance with law.

5. For the aforesaid reasons, the writ petition is allowed, setting aside the impugned rejection order dated 18.09.2015 and the application filed by the petitioner herein stands restored to file and the respondents herein are directed to reconsider the same along with the documents enclosed with the application, in accordance with law and pass appropriate orders. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 10.10.2017
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.33600 of 2015

Dated: 10.10.2017

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