

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.15701 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the 3rd respondent in not receiving the application of the petitioner under Building Penalization Scheme for regularization of the second and third floors of the building in an extent of 280 sq. yards in Sy.No.99/ 3 Part, Ward No.40, Sva Nagar, Marripalem Village, Visakhapatnam District though the submission of the application is to be expired on 30.04.2017, as illegal and arbitrary and consequently, direct the respondents to receive the application for regularization of the second and third floors of the building of the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that he purchased the above said site vide registered sale deed dated 31.03.1978 and since then he is in possession of the said site. He constructed a building with ground and first floors by obtaining permission from the Municipal authorities. Thereafter, he constructed second and third floors without obtaining permission. Recently, the petitioner came to know that the Government issued some guidelines for regularization of the unauthorized constructions and as per the said guidelines the applications under BPS are to be on or before 30.04.2017. Accordingly, the petitioner submitted his application on 24.04.2017 for regularization of the second and third floors of his building under BPS. But, the 3rd respondent has refused to receive the application of the petitioner.

No counter is filed by the respondents.

Considering the request of the petitioner, this Court is inclined to pass the following order:

The petitioner is directed to prefer an application enclosing a copy of this order to the authority concerned and on filing of such application, the authority concerned is directed to condone the delay for filing the application since the petitioner has approached this Court on 25.04.2017, even prior to the expiry of the Building Penalization Scheme and on receipt of the application from the petitioner, the 3rd respondent is directed to take appropriate steps in accordance with law.

Subject to the above, the writ petition is disposed of. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

June 08, 2017

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RAJA ELANGO, J

