

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16726 OF 2017

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of respondent No.2 in rejecting the permission for construction of a house citing the order passed by this court in W.P.No.32944 of 2016 as illegal and arbitrary and consequently, direct respondent No.2 to grant permission for construction of a new house in H.No.6-2-66, Hanumanwada, Jagtial, Telangana.

2. It is stated in the affidavit filed in support of the writ petition that the petitioner is the owner of a house bearing H.No.6-2-66 situated in Hanumanwada, Jagtial, Telangana and the same was gifted to him by his brother through a registered gift deed. As it was a very old house, it was not suitable to use as a domicile. So, he cleared the debris, levelled the ground and was making efforts to start construction of a new house. At that time, one Bathula Rajamma and Padala Lachu @ Laxmi have made false complaints to respondent No.2 alleging that the petitioner was making construction without obtaining permission from him and on the basis of the said complaints, respondent No.2 issued notices to stop the construction work, if any. The said persons also filed W.P.No.32944 of 2016 to that effect. After hearing respondent No.2, the said writ petition was disposed of on 19.10.2016 wherein it is held at para Nos.3 and 4 as under:

“Sri N. Praveen Kumar, learned Standing Counsel for the 2nd respondent, on instructions submits

that the 2nd respondent has already initiated necessary action and notices have already been issued to the respondents 4 to 8 to stop the construction, if any, and necessary action is being taken.

Recording the submission of the learned Standing Counsel for the 2nd respondent, this Writ Petition is closed. However, it is always open for the petitioners to approach the Court in case they are aggrieved further. There shall be no order as to costs.”

On 03.03.2017, respondent No.2 rejected the application, dated 21.02.2017, of the petitioner for granting permission for construction of a new house by citing the order passed by this Court in W.P.No.32944 of 2016. The petitioner never made any construction without obtaining permission from respondent No.2 and only with a view to take vengeance against him and his family members, the aforesaid writ petition was filed. Hence, he prays to direct respondent No.2 to grant permission for construction of a new house in H.No.6-2-66, Hanumanwada, Jagtial, Telangana.

3. Learned counsel for the petitioner submitted that the order passed in W.P.No.32944 of 2016 will not stand in the way of the authorities in granting permission to the petitioner if the petitioner complies with the other requirements for granting permission.

4. Admittedly, the order passed in W.P.No.32944 of 2016 will not stand in the way of the authorities for granting permission to the petitioner for construction of a new house if the petitioner complies with all the other requirements for granting permission. Hence, the authorities are hereby directed to grant permission to the petitioner for construction of a new house if he complies with

all the other requirements without taking into consideration the observations made by this Court in W.P.No.32944 of 2016.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date : 08.06.2017
AMD



THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.16726 OF 2017

Date: 08.06.2017

AMD