

THE HONB'E SRI JUSTICE CHALLA KONDANDA RAM

WRIT PETITION No.7199 OF 2017

ORDER:

The writ petition is filed challenging the action of the 4th respondent in passing the order dated 16.02.2017, rejecting the representation of the petitioner dated 22.11.2016, under Section 455-A of the Hyderabad Municipal Corporation Act, 1955 (for short, "the Act").

The principal contention of the learned counsel for the petitioner is that the impugned proceedings dated 16.02.2017, are passed by an authority, who is not the competent to make such order under Section 455-A of the Act. Learned counsel for the petitioner further submits that the impugned proceedings are contrary to the common order dated 09.11.2016, passed by this Court in W.P.M.P.Nos.38071 and 46833 of 2016 in W.P.Nos.30757 and 38011 of 2016, wherein this Court directed the Deputy Commissioner to take into consideration of the material and pass appropriate orders with respect to the building permission.

Considering the material placed on record and there being no dispute that the Assistant City Planner not being the competent authority to make an order under Section 455-A of the Act and further the order having been made contrary to the common order dated 09.11.2016, passed by this Court in W.P.M.P.Nos.38071 and 46833 of 2016 in W.P.Nos.30757 and 38011 of 2016, wherein the Deputy Commissioner was directed to consider the feasibility of granting building permission with conditions that may be imposed, the impugned proceedings are liable to be set side.

Accordingly, the writ petition is disposed of directing the 3rd respondent-Deputy Commissioner, to consider the application/representation of the petitioner dated 22.11.2016, afresh and pass appropriate orders, in accordance with the law. No order as to costs.

As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand disposed of as infructuous.

CHALL KODANDA RAM,J

Date:10.03.2017
Gk.



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