

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No. 28028 OF 2012

ORDER:

The petitioner claims to be the absolute owner and possessor of the land to an extent of 200 square yards in Plot No.58 situated in Sy.No.389 of Attapur Village having purchased the same through registered sale deed dated 23.08.2001. She made an application to the second respondent enclosing all the necessary documents including the plan along with requisite fee on 8.4.2011 seeking permission to construct a residential house in the aforesaid land. It is stated that after verification of all the documents, the Town Planning Officer issued CSC No. 21279/08/04/2011 on the same day. Despite the same, when no orders are passed by the respondents either granting or rejecting building permission, the present Writ Petition was filed.

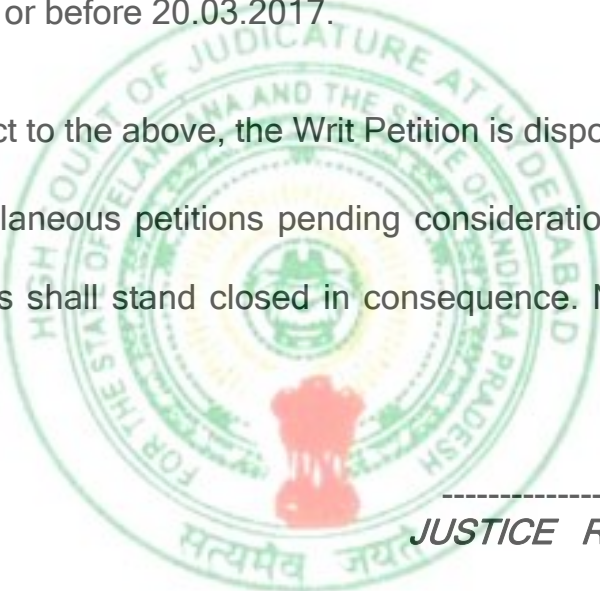
Though the Writ Petition is of the year 2012, no counter affidavit is filed by the respondents till date. It seems the respondents have nothing to say in the matter.

Since the application filed by the petitioner along with necessary documents and requisite fee on 8.4.2011 is pending consideration with the respondent authorities, it is not appropriate for this Court to go into the merits or otherwise of the subject matter. Though the petitioner filed application on 8.4.2011, there is no reason why the respondents have not passed any orders on the application made by the petitioner for grant of building

permission. It is not only the power but also the duty of respondents to consider the application for grant of building permission filed by the land owners. They cannot go on keeping the matters pending for years together and cannot put them in waiting without constructing the buildings if the application filed by them is otherwise in order. In the facts and circumstances of the case the respondents are directed to consider the application of the petitioner stated to have been filed on 8.4.2011, if the same is otherwise in order, and pass necessary orders, in accordance with law, on or before 20.03.2017.

Subject to the above, the Writ Petition is disposed of.

Miscellaneous petitions pending consideration if any in the Writ Petitions shall stand closed in consequence. No order as to costs.



JUSTICE RAJA ELANGO

DATED 31ST January, 2017.
Msnr_x