

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44473 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed to declare the action of the 2nd respondent in not considering representation of the petitioner, dated 19.08.2016, and not granting any permission in pursuance of the application, dated 07.11.2014, as illegal and arbitrary, and consequently direct the 2nd respondent to dispose of the representation of the petitioner, dated 19.08.2016, before proceeding further for grant of permission to respondents 3 & 4.

The case in brief is that the petitioner is a registered partnership firm, represented through its Managing Partner, and it entered into a development agreement with one O.Chinna Chittaiah and his five sons. The petitioner obtained building permission, dated 07.11.2014, from the 2nd respondent, but the same is pending with the authorities in view of the confusion created by the original owners of the land. Due to hike in the land prices, the original owners colluded with the respondents 3 and 4 and are trying to alienate the said property in favour of respondents 3 & 4. The petitioner came to know that the respondents 3 & 4 also applied for building permission in respect of the same land and hence, it submitted representation, dated 19.08.2016, to the 2nd respondent informing about the pendency of its building permission application and also objecting for grant of any building permission in favour of the respondents 3 & 4 in respect of the subject property.

When the matter is taken up for hearing, two persons, claiming to be the working partners of the petitioner's firm, filed implead petitions

to implead them as party respondents, since the petitioner is withdrawing the writ petition by colluding with the respondents 3 & 4.

The prayer in the writ petition itself is to direct the 2nd respondent to dispose of the representation, dated 19.08.2016, filed by the petitioner prior to grant of building permission to the respondents 3 & 4 in respect of the subject land. It is not necessary to observe in the order that if any objections raised by any person for grant of building permission to any person, it is the duty of the 2nd respondent to consider such objections and pass appropriate orders as per the provisions of the Act concerned. However, considering the grievance of the petitioner, this Court is inclined to pass the following order:

The 2nd respondent is directed to consider the representation/ objections, dated 19.08.2016, submitted by the petitioner, and pass appropriate orders within a period of six (6) months, before granting building permission to the respondents 3 & 4 in respect of the subject land. The impleaded respondent Nos.5 & 6 are at liberty to file their objections if any, before the 2nd respondent.

With the above directions, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO, J

July 18, 2017
KTL

