

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12412 OF 2017

ORDER :

The communication dated 23.11.2016 of the 3rd respondent City Planner informing the petitioner that his Application for permission for construction of three floors in Survey Nos. 79, 80, 81, 82(P) of Serilingampally Village and Mandal, Ranga Reddy District has been rejected, is challenged in this Writ Petition.

The reason for rejection of permission has been stated as “the site u/r is inspected by the concerned technical officials on 05.10.2016 and it is found that the applicant has constructed the residential building unauthorizedly in violation of the mandatory setbacks prescribed in G.O.Ms. No. 168 MA, dated 07.04.2012.”

It is the specific assertion of the petitioner in the affidavit filed in support of the Writ Petition that as a matter of fact, the construction is yet to commence, however, the respondents have rejected the Application stating that the building has been constructed unauthorizedly in violation of the mandatory setbacks prescribed in G.O.Ms.No. 168. The said rejection is without application of mind and without inspection of the site.

Heard learned counsel for the petitioner.

On the last occasion, learned Standing Counsel for the respondent Corporation sought time to secure instructions. Today, the learned Standing Counsel fairly concedes that the rejection has been made by oversight. He further submits that though at the site, a pit was dug to facilitate provision of a cellar, which is impermissible in an area of 750 square meters, the said reason has

not been stated in the rejection order. The Application of the petitioner will be processed in accordance with law, assures the learned Standing Counsel.

In view of the above-said submissions, the impugned order dated 23.11.2016 is set aside with a direction to the respondents to re-consider the Application of the petitioner and process the same in accordance with law within a period of four weeks from the date of receipt of a copy of this order. Though the learned Standing Counsel pleads for a direction to the petitioner to make a fresh Application, this Court is not inclined to do so, inasmuch as it is the respondent Corporation, which failed to process the Application in accordance with law.

The Writ Petition is accordingly allowed. No costs.

Consequently, the miscellaneous Applications, if any shall stand disposed of.

19th April 2017

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CHALLA KODANDA RAM, J