

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.10176 of 2017

ORDER:

Heard Sri S.Chalapathi Rao for petitioner and Sri Sampath Prabhakar for the 2<sup>nd</sup> respondent.

The petitioner prays for the following relief :-

“..... to issue a writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS by declaring the action of the 2<sup>nd</sup> respondent in not considering the application of the petitioner Dt:10-08-2016 for sanction of new building permission solely on the ground that action under 636 of HMC Act 1955 is pending vide notice No.UC/ / TPS/ CIR-12/ WZ/ GHMC/ 2016 Dt:01.11.2016 as illegal, arbitrary, void abinito and violative of due process of law and besides violation of principles of natural justice and consequently direct the 2nd respondent to consider the said application without being influenced by the notice under 636 of HMC Act, 1955 Dt:01-11-2016 ....”.

The petitioner in fact is not pressing for continuing the unauthorized structure if any at the subject premises.

The grievance of petitioner is that the 2<sup>nd</sup> respondent is under obligation to consider the application dated 10-08-2016 bearing No.3/C11/01107/2016, pass orders and communicate to petitioner to facilitate petitioner to undertake construction of building.

The counsel for petitioner, on instructions, submits that the petitioner in fact is prepared to remove the existing structures and proceed to construct afresh in accordance with the permission, the 2<sup>nd</sup> respondent would be granting.

Sri Sampath Prabhakar submits that through communication dated 02-03-2017 the application of petitioner has been returned due to a few short falls noticed in the application. He further submits that the petitioner, if represents the application after complying with the short falls noticed in the communication dated 02-03-2017, the 2<sup>nd</sup> respondent is prepared to examine and pass orders in accordance with the Regulations.

Having regard to the limited submission of the learned counsel, the writ petition is disposed of by this order.

(a) The petitioner is given liberty to re-submit application dated 10-08-2016 bearing No.3/C11/01107/2016 to the 2<sup>nd</sup> respondent within three weeks from the date of receipt of a copy of this order.

(b) The petitioner undertakes before the 2<sup>nd</sup> respondent to remove the existing unauthorized structures at the subject matter of the writ petition.

On re-submission of the application with the above said condition, the 2<sup>nd</sup> respondent is directed to process the application of petitioner for grant of

building permission and pass orders within four weeks thereafter.

The writ petition is disposed of accordingly. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

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S. V. BHATT, J

Date: 22-03-2017  
Prv



