

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.21264 OF 2017

ORDER:

This writ petition is filed seeking to issue a writ of mandamus to declare the action of the 2nd respondent in not considering the Building Plan application, dated 28.02.2017, submitted by the petitioners for reconstruction of the house of the petitioners situated at Chinna Chowk, Kadapa City, as illegal and arbitrary, and consequently, direct the 2nd respondent to grant building plan approval.

Heard and perused the material available on record.

The case of the petitioners is that they are residents of the above said house and that the said building was purchased by the 1st petitioner in the year 1997 under a valid sale deed. It is submitted by the petitioners that the said building was constructed by their vendor by obtaining necessary building plan approval from the then Kadapa Municipality. While so, the 1st petitioner gifted 0.1 cents along with structures, out of 0.5 cents of the said building to the 2nd petitioner. Since the said portion is in dilapidated condition, the 2nd petitioner submitted an application before the 2nd respondent for reconstruction of the same. But, the 2nd respondent refused the said application on the ground that the road which is passing through in front of the said building was proposed to be widened. Therefore, the petitioner wrote a letter to the Deputy Executive Engineer (R & B) requesting him to furnish information as to whether any part of the building is required for widening of the said road. Then the Deputy Executive Engineer informed through letter, dated 20.03.2013, that the road widening project was already completed. Therefore, the 2nd petitioner submitted

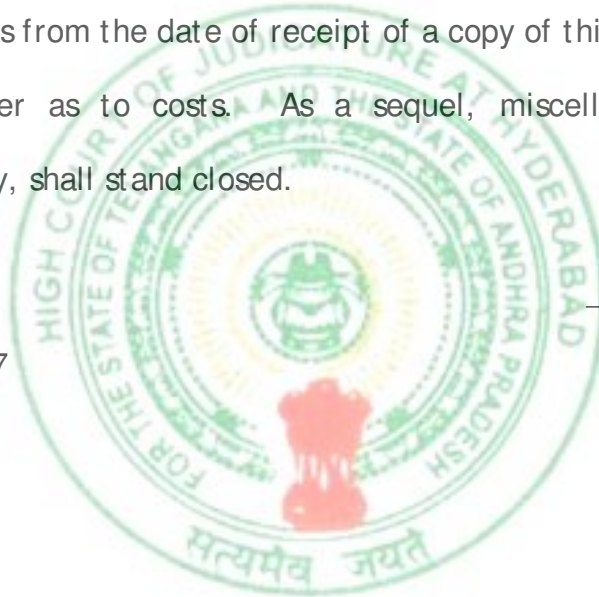
another application, dated 28.02.2017, to the 2nd respondent for approval of building plan for reconstruction of the said building. But, no decision is taken by the 2nd respondent so far. Hence, this writ petition.

Considering the circumstances of the case and the grievance of the petitioners, without expressing any opinion on merits, this Court is inclined to pass the following order:

The Writ Petition is disposed of directing the 2nd respondent to consider application, dated 28.02.2017, submitted by the 2nd petitioner, and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

June 29, 2017
KTL



RAJA ELANGO, J