

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12418 OF 2017

ORDER :

The Writ Petition has been filed challenging the letter dated 23.11.2016 of the 2nd respondent Corporation, whereby and whereunder the permission sought by the petitioners for constructing additional floors, *vide* Application dated 27.07.2016, in plots No. 117, 118 in Survey Nos. 79, 80, 81 and 82(P), Serilingampally, Ranga Reddy District, has been rejected.

Heard learned counsel for the petitioners and Sri Sampath Prabhakar Reddy, learned Standing Counsel for the respondent Corporation.

From a perusal of the impugned letter, it is to be seen that the two objections raised for rejecting the Application are:

- 1) The applicant may be informed to submit the layout copy. The applicant has not submitted the layout copy.
- 2) The applicant has commenced the work and laid stilt floor roof duly maintaining the stilt floor height as 1.80 Mtrs. from ground level, whereas the applicant has shown the height of stilt floor from ground level as 2.74 Mtrs., which is not satisfying the required stilt floor height i.e. 2.5 Mtrs., hence, the proposals are rejected.

It appears, the rejection of the permission is based on the recommendation made by the City Planner for non-compliance with the building Rules by the petitioners. Though the learned counsel for the petitioners submits that the objections raised by the Corporation are minor and the height of the stilt floor, as specified in the plan, will ultimately be changed while making the super-construction, these are all the aspects, which the

respondent Corporation authorities are required to take into consideration and it is not for this Court to express any opinion.

In those circumstances, the Writ Petition is disposed of, giving liberty to the petitioners to re-submit the Application in terms of the existing Rules. It is made clear that if there are any shortcomings noticed while processing the Application of the petitioners, the respondent authorities shall notify the same and if necessary, the petitioners may be permitted to explain the same. In the event the respondent authorities are satisfied with the explanation submitted, the petitioners may be accorded the necessary permission for raising the constructions. No costs.

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

19th April 2017

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CHALLA KODANDA RAM, J

