

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.35217 of 2017

ORDER:

In this writ petition, the challenge is to the rejection letter, dated 06.10.2017, in File No.3011/W28/2017/2015, whereby the building application, dated 27.05.2017, of the petitioner is rejected on one of the grounds, namely the LRS has been revoked by the Municipal Corporation, Karimnagar.

2. I have heard the submissions of Sri *K.S. Murthy*, learned counsel appearing for the petitioners, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *V. Satyam Reddy*, learned Standing Counsel appearing for the 2nd respondent Municipal Corporation. I have perused the material record.

3. Learned counsel for the petitioners would submit that the LRS has not been revoked till date and that no show cause notice has been issued to the petitioners herein before the alleged revocation of the LRS.

4. Learned Standing Counsel appearing for the 2nd respondent fairly conceded that LRS has not been revoked, but a show cause notice, dated 22.09.2017, was issued to one Channilla Kishan Rao by the Commissioner, Municipal Corporation, Karimnagar, calling for an explanation as to why LRS and building permission should not be revoked on failure of giving an explanation within seven (07) days from the date of receipt of the said show cause notice. He also placed on record a copy of the said notice.

5. Learned counsel for the petitioners, in reply, would submit that since the building permission is not granted within the statutory time

allowed under law and is neither rejected, there is deemed permission and, therefore, when the LRS is not revoked as on today, the Municipal Corporation ought not to have passed the rejection order and ought to have processed the building application, dated 27.05.2017, of the petitioners.

6. However, learned Standing Counsel would submit that if necessary, the Municipal Corporation would issue a fresh show cause notice to the petitioners herein before proceeding in the matter and, hence, the writ petition may be disposed of with appropriate directions.

7. Recording the submissions, the Writ Petition is allowed by setting aside the rejection letter in File No.3011/W8/2017/2105, dated 06.10.2017, and directing the 2nd respondent Municipal Corporation to consider and dispose of the building application, dated 27.05.2017, of the petitioners in strict accordance with the procedure established by law, however, within a period of six (06) weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioners within a week thereafter. However, it is made clear that this order shall not preclude the 2nd respondent Municipal Corporation from issuing fresh show cause notice for revocation of LRS, if the Corporation desires so to do.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE M. SEETHARAMA MURTI

Date: 27th November, 2017

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