

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.39534 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“....it is therefore prayed that this Hon'ble Court may be pleased to grant an order, direction or writ, more so in the nature of Writ of mandamus declaring the action of the respondents No.2 and 3 herein in rejecting petitioners building application vide orders in File No.002168/MED/C1/U6/HMDA/19072017, dated 14.11.2017 as illegal, arbitrary, highhanded, and violative of Principles of natural justice apart from being violative of Articles 14 and 300-A of Constitution of India and contrary to provisions of Hyderabad Metropolitan Development Act, 2008 and consequently to set aside the orders in File No. 002168/MED/C1/U6/HMDA/ 19072017 dated 14.11.2017 issued by respondent no.2 and to direct the respondents herein to reconsider the application of the petitioner in accordance with law and pass such other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.”

(Reproduced verbatim)

2. I have heard the submissions of *Sri R.Raghunandan Rao*, learned senior counsel appearing for *Sri T.Balamohan Reddy*, learned counsel appearing for the petitioner; learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent; *Sri V.Narasimha Goud*, learned Standing Counsel appearing for respondents 2 to 4; and of *Sri G.Narender Reddy*, learned Standing Counsel appearing for the 5th respondent. I have perused the material record.

3. Having regard to the submissions made, this Court is of the considered view that the writ petition can be disposed of with appropriate directions after setting aside the impugned order.

4. Accordingly, the impugned order is set aside and the writ petition is disposed of with the directions infra:

- (i) The petitioner shall submit, within one week from the date of receipt of a copy of this order, a representation to the 2nd respondent requesting the 2nd respondent to intimate to the petitioner all the objections which the petitioner is required to comply with for obtaining the building permit in respect of the subject property;
- (ii) On receipt of such representation from the petitioner, the 2nd respondent shall enumerate all the objections and communicate the same to the petitioner within two weeks thereafter;
- (iii) On receiving the same, the petitioner shall comply with all the objections within three weeks thereafter and report compliance thereof to the 2nd respondent;
- (iv) On the petitioner duly complying with the objections, the 2nd respondent shall duly consider the matter and grant building permit in respect of the subject property to the petitioner within two weeks thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

13th December, 2017
RAR

M. SEETHARAMA MURTI, J