

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.36807 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner challenging the action of the respondents in not re-validating/renewing the petitioner's building permission in B.A.No.1331/2013, dated 23.04.2014, and in directing the petitioner to make a fresh application for building permission by endorsement, dated 16.05.2017, in Rc-G2-113243/2017 and the subsequent endorsement, dated 01.09.2017, in Rc-G2-125396/2017.

2. I have heard the submissions of Sri *D. Krishna Murthy*, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Smt. *G. Jhansi*, learned Standing Counsel appearing for the respondents 2 & 3. I have perused the material record.

3. The case and submission of the petitioner is that though building permit was obtained, he could not make constructions because of imposition of proceedings by the Commissioner of Police, Vijayawada, under Section 144 of the Code of Criminal Procedure, 1973.

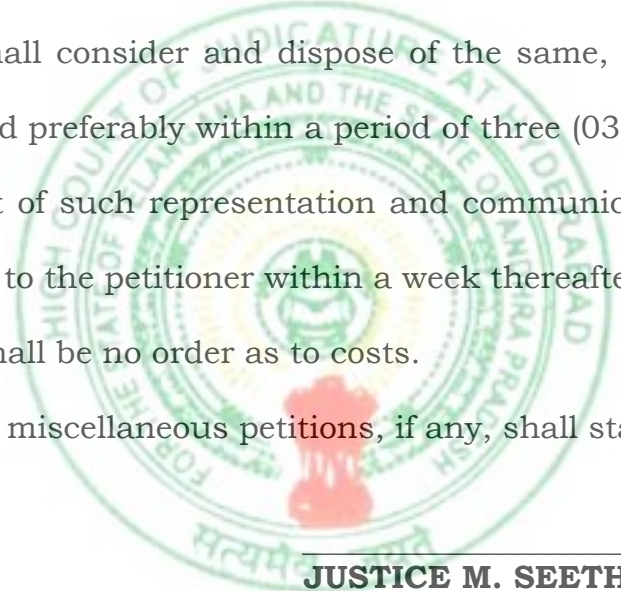
4. At the hearing, learned counsel for the petitioner would submit that if the writ petition is disposed of giving liberty to the petitioner to approach the 2nd respondent for extension of the earlier building permit, which expired by 24.04.2017, the ends of justice would be met.

5. Learned Standing Counsel appearing for the respondents 2 & 3, on instructions, submits that the endorsement may be set aside and the petitioner may be given liberty to seek extension of the earlier building permit, which expired on 24.04.2017.

6. Having regard to the submissions, the Writ Petition is allowed and the impugned endorsement is set aside, reserving liberty to the petitioner to file an application before the 2nd respondent for extension of the time from 24.04.2017 of the building permission already granted for a reasonable period as per procedure established by law. It is made clear that on the petitioner making such a request, the 2nd respondent shall consider and dispose of the same, as expeditiously as possible and preferably within a period of three (03) weeks from the date of receipt of such representation and communicate the decision taken thereon to the petitioner within a week thereafter.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.



JUSTICE M. SEETHARAMA MURTI

Date: 30th November, 2017

Note: Issue C.C. by tomorrow.

(B/o.)
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