

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.39239 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a Writ/Order/Direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the respondents in not disposing off the application dated 02.07.2016 of the petitioner for granting building permission to Door No. 2-2-388/2, College Road, Tirupati Town, Tirupati Urban Mandal, Tirupati, as illegal, arbitrary, without jurisdiction besides violation of Art.14 of the Constitution of India and consequently direct the respondents to dispose of the application dated 02.07.2016 of the petitioner for granting building permission to Door No. 2-2-388/2, College Road, Tirupati Town, Tirupati Urban Mandal, Tirupati, and to pass such other order or orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.”

2. I have heard the submissions of learned counsel for the petitioner and of learned Standing Counsel appearing for respondents 2 and 3. Perused the material record.

3. The only request in the writ petition is to direct the respondents to dispose of the application, dated 02.07.2016, of the petitioner with regard to grant of building permission.

4. Learned counsel for the petitioner would submit that if a direction is given to the respondents to consider and dispose of the representation of the petitioner, the ends of justice would be met.

5. However, learned Standing Counsel appearing for respondents 2 and 3, on instructions, would submit that the application of the petitioner for building permission was already returned online on 31.03.2017, as the petitioner failed to submit the necessary documents along with the application.

6. In view of the said submission, learned counsel for the petitioner would submit that no such email intimating return of the building permission application was received by the petitioner. He, however, submits that the petitioner is prepared to submit his application along with necessary documents and he is also prepared to execute a gift deed as required under the rules and hence, the writ petition may be disposed of giving liberty to the petitioner so to do.

7. Recording the submissions, the writ petition is disposed of giving liberty to the petitioner to resubmit his building permission application along with necessary documents and also informing the authority concerned that he is prepared to execute the required gift deed as per the rules. The petitioner shall resubmit his application accordingly as sought for and as desired within two weeks from the date of receipt of a copy of this order. On the petitioner submitting such an application, the respondents 2 and 3 shall consider and dispose of the same in strict accordance with procedure established by law within two weeks thereafter and communicate the decision taken thereon to the petitioner with a week thereafter. Till such exercise is completed, both the parties are directed to maintain absolute *status quo* as on today.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 04.12.2017

Note: Issue C.C in two days
B/o
va