

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.42707 of 2017

ORDER:

This writ petition is filed seeking the following relief:

“...to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing notice *vide* UCR.No.02/TP/2017 dated 7-9-2017 to the petitioner as illegal, arbitrary, unjust and also against the provisions of G.O.Ms.No.901 Municipal Administration and Urban Development (M1) Department dated 31-12-2007 and set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

2. I have heard the submissions of the learned counsel for the petitioner and of Sri V. Satyam Reddy, learned Standing Counsel appearing for the second respondent-Municipality. I have perused material record.

3. The case and the submissions made on behalf of the petitioner are that: 'The subject property of the petitioner is of an extent of 82.10 square yards and that for making constructions in the said property, no building permit is generally required as per G.O.Ms.No.901, Municipal Administration & Urban Development (M1) Department, dated 31.12.2007, and that when the petitioner is making constructions in the said property, the impugned notice was issued calling upon the petitioner to stop the constructions and remove the constructions and stating that on failure of the petitioner to comply with the said directions, the constructions would be demolished as per law and therefore, the writ petition is filed.'

4. Learned counsel for the petitioner submits that the petitioner is now prepared to submit an application online for building permit and that till such application is considered and

building permission is granted, a direction may be given to the second respondent – Municipality not to take any coercive action against the constructions in the subject property of the petitioner. He also undertakes that the petitioner will not proceed with any further constructions until the necessary exercise is completed by the second respondent – Municipality.

5. Learned Standing Counsel appearing for the second respondent-Municipality submits that as per the present system in vogue, application for building permit shall be submitted online.

6. Recording the submissions, the writ petition is disposed of directing the petitioner to submit an online application for building permit in respect of the subject property within two weeks from the date of receipt of a copy of this order; on the petitioner making such an application, the second respondent-Municipal Authority shall consider and dispose of the same in strict accordance with procedure established by law, within three weeks thereafter. Till such exercise is completed, the second respondent is directed not to interfere with the constructions already made by the petitioner in the subject property. However, the petitioner shall, in the meanwhile, maintain *status quo* as on today without making any further constructions.

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: 21.12.2017

Note: Issue CC tomorrow

B/o

va