

HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.40000 of 2017

ORDER:

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

“..to issue a writ of Mandamus declaring the action of the respondents in issuing the Circular Roc. No. 339/2016/MB dated 04-06-2016 issued by the 3rd Respondent against the Municipality for online applications granting Sanction Plans without fulfilling the conditions by the Government as against the principles of natural justice, illegal, arbitrary, in violation of Telangana Municipality Act, 1968 and Rules there under and in violation of Articles 14 and 21 of the Constitution of India and consequently direct the Respondents to receive the manual applications for building permissions of individuals in Bhainsa Town, Municipality to construct their properties commercial as well as residential till the government approved the revised master plan for Bhainsa Town and pass such other order orders as deemed fit and proper in the circumstances of the case.”

2. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development Authority appearing for respondents 1 to 3 and learned Standing Counsel appearing for the fourth respondent-Municipality. Perused material record.

3. The facts, which are discernable from the pleadings and submissions are as follows: 'The Commissioner and Director of Municipal Administration, by his Circular, dated 04.06.2016, informed the Commissioners and Town Planning Officers of all Urban Local Bodies in the State to follow scrupulously the procedure for processing the building applications online through Development Permission Management System (DPMS) w.e.f. 10.06.2016. However, insofar as the residents of the Bhainsa Municipality, they are unable to submit online applications, as there is a proposal for revision of the existing Master Plan and the said issue is pending with the Government. In that view of the matter, since a long time, no building applications could be submitted by the residents of the said Municipality online and therefore, no approvals for building permissions were granted. Hence, the writ petitioner is before this Court.'

4. Learned Standing Counsel appearing for the fourth respondent-Municipality does not dispute the fact that online applications are not being received since a period of more than one year and that no building permissions are being approved by the Municipality for the reason that there is a proposal for the revision of the Master Plan, as the Municipal Council, Bhainsa *vide* its Resolution, dated 29.02.2016, has unanimously resolved to take up the revision of the Master Plan with the technical guidance of the DT&CP., Hyderabad, and as the matter is still under consideration.

5. On the above analysis of the facts and submissions, this Court is of the considered view that this writ petition can be disposed of with appropriate directions.

6. Accordingly, the writ petition is disposed of directing respondents 1 to 5 to finalise the issue regarding the revision of the Master Plan within a period of three months and receive building applications online from the residents of the Bhainsa Municipality and consider and dispose of such applications in accordance with procedure and law, on the applicants fulfilling other requirements for approval of building permissions. However, if the respondents are not able to finalise and resolve the said issue within the said period, they shall consider granting of exemption to the residents of the Municipality for submission of online applications for building permissions and accept building permission applications submitted manually and thereafter, process the same in accordance with procedure established by law.

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: 06.12.2017
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