

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.42556 of 2017

ORDER:

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

“For the reasons stated in the accompanying affidavit, the petitioner prays that the Hon’ble court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus; declaring the action of the respondents in not granting construction permission for residential building of stilt + 3 floors as per application and sketch plan vide File No. 3/C22/13572/2017, Dt. 9.10.2017 for House No. 5-3-384/2 & 3, on Plot Nos. 46 & 47 total extent of 400 Sq. Yards in Sy.No. 88, situated at Kukatpally Village, Balanagar Mandal is illegal, arbitrary, unreasonable and discriminatory, and consequently direct the respondents to grant construction permission to the petitioner for her application in accordance with GHMC Rules, and pass such other order or orders as may deem fit and proper in the circumstances of the case.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *P.Vishnuvardhana Reddy*, learned counsel appearing for the petitioner, and of Sri *Sampath Prabhakar Reddy*, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, appearing for the respondents 1 to 3. I have perused the material record.

3. The case of the petitioner is as follows: The petitioner has applied for building permit, on 09.10.2017, for permission to construct a building with stilt plus three floors. The said application is kept pending and is not disposed of. Nevertheless, a notice under Sections 452 (1) & 461 (1) of the Greater Hyderabad Municipal Corporation, 1955, dated 22.09.2017, was issued. The petitioner issued a reply, dated 31.10.2017, stating *inter alia* that no constructions are being made and that only soil work was done and

columns were raised to the earth level and that till date, the building application is not disposed of. However, the application for building permit is not disposed of till date. Hence, the writ petition is filed.

4. Learned Standing Counsel would submit that a communication is given to the petitioner pointing out certain shortfalls in the application of the petitioner; and, if the petitioner complies with shortfalls and re-submits his building application online, the necessary action will be taken by the respondents 2 & 3.

5. Learned counsel for the petitioner endorses the said submissions.

6. Recording the submissions, the Writ Petition is disposed of with the following direction: The petitioner shall comply with the shortfalls in the building application and re-submit the same online as per procedure; on the petitioner complying the above direction, the 2nd respondent shall consider and dispose of the said application of the petitioner, in strict accordance with procedure established by law, within a period of two (02) weeks from the date of the resubmission of the said application by the petitioner and communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise is completed, the respondents 2 & 3 shall not take any coercive action against the subject property of the petitioner.

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

JUSTICE M. SEETHARAMA MURTI

Date: 19th December, 2017

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