

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40134 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, it is hereby prayed that this Hon’ble Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not passing any orders in regularizing the petitioners open plot in an extent of 169.61 sq. yards in Sy.No.704 of Metpally, under Layout Regularization Scheme 2015, even after collecting the LRS Penalization charges as illegal, arbitrary and contrary to Municipalities Act and consequently direct the 2nd respondent to regularize the same and grant building permission for construction of residential building in open plot in an extent of 169.61 sq. yards in Sy.No.704 of Metpally, Jagityal District, Telangana State and to pass such other orders as this Hon’ble Court may deem fit and proper in the interest of justice.”

(Reproduced verbatim)

2. I have heard the submissions of Sri *Poliseti Radha Krishna*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *N. Praveen Kumar*, learned Standing Counsel appearing for the 2nd respondent Municipality. I have perused the material record.

3. In this writ petition, the submission and grievance of the writ petitioner is with regard to the action of the 2nd respondent in not passing any orders on the application, dated 23.03.2017, of the petitioner with regard to regularisation of the open plot in an extent of 169.61 square yards in Survey No.704 of Metpally under Land Regularisation Scheme, 2015, even after collecting the LRS penalisation charges by way of Bankers Cheque, dated 24.07.2017,

drawn on State Bank of India, pursuant to the intimation notice, dated 09.05.2017.

4. At the hearing, learned counsel for the petitioner would submit that the writ petition may be disposed of directing the 2nd respondent Municipality to consider and dispose of the application of the petitioner for regularisation of the open plot, in accordance with procedure established by law, as such a course would meet the ends of justice.

5. Learned Standing Counsel appearing for the 2nd respondent Municipality endorses the said submission.

6. In the result, the Writ Petition is disposed of directing the 2nd respondent Municipality to consider and dispose of the application, dated 23.03.2017, of the petitioner, in strict accordance with procedure established by law, within a period of four (04) weeks from the date of receipt of a copy of this order 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: 7th December, 2017

Note: Issue C.C. in three (03) days.

(B/o.)
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