

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.686 of 2018

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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of the 2nd respondent in not considering the complaint of the petitioner Dt.30-11-2017 in respect of their property ie.,Ac.0.13 ½ cents out of Ac.0.33 ½ cents in R.S.No.505/24, 505/25 & 505/26 situated in Butchemma Agraharam, Amalpauram and proclaiming to issue building permissions contrary to the rights of the petitioner and their suit vide in O.S.No.93/2013 on the file of Junior civil Judge court, Amalapuram as illegal, arbitrary and violative of the principles of natural justice and consequently direct the respondents 2 & 3 to consider the complaint of the petitioner Dt.30-11-2017 and consequently not to grant any building permissions in respect of the property ie.,Ac.0.13 ½ cents out of Ac.0.33 ½ cents in R.S.No.505/24, 505/25 & 505/26 situated in Butchemma Agraharam, Amalpauram pending determination of their final rights through competent court and grant such other relief or reliefs as this Hon’ble court may deem fit and proper under the facts and circumstances of the case and in the interests of justice.”

[Reproduced verbatim]

2. I have heard the submissions of Sri *Pappu Srinivasa Rao*, learned counsel appearing for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development appearing for the 1st respondent, and of Sri *Nimmagadda*

Venkateswarlu, learned Standing Counsel, appearing for the respondents 2 & 3. I have perused the material record.

3. The only grievance of the writ petitioner is that without considering the objections of the petitioner, the respondents 2 & 3 Municipal authorities are proceeding to grant building permission to the respondents 4 to 6 though there is a title dispute and proceedings are pending before the civil Court.

4. Learned Standing Counsel appearing for the respondents 2 & 3 would submit that the process of granting building permits is an online process and that the same is entrusted to a Nodal Agency and that the Nodal Agency will grant provisional permission, if the building application is in order in all respects and that, therefore, there is no possibility to consider the objections before the provisional permission is accorded.

5. However, before the building permit is released to the respondents 4 to 6, the Commissioner will examine the same is not in dispute.

6. Having regard to the facts and submissions, this Writ Petition is disposed of directing the authority concerned of the 2nd respondent Municipality to consider the objections of the petitioner, before releasing the building permit to the respondents 4 to 6, however, in strict accordance with procedure established by law, and after affording an opportunity of being heard to the petitioner as well as the respondents 4 to 6.

Pending miscellaneous petitions, if any, shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

Date: 4th January, 2018

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