

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4375 OF 2018

DATED :12.02.2018

Between :

Sri Kailas Sridhar, S/o.Sri Sudhakar,
Aged about 40 yrs, Occu : Unemployed,
R/o.#11-149, Mancherla 504 208.

.. Petitioner

And

The State of Telangana,
Rep., by its Secretary,
Municipal Administration and Urban
Development Department, Secretariat,
Hyderabad & another.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION NO. 4375 OF 2018

ORDER:

Heard. With the consent of both the counsel, the writ petition is disposed of at the admission stage.

2. Petitioner claims to be the absolute owner and in possession of house plot bearing M.No.22-68/4-2, Plot No.9 in Sy.No.484/14, Garmilla Shivar, Mancherla admeasuring 300.94 square yards. According to the petitioner, he purchased the said property by way of registered sale deed dated 24.06.2016 from the previous owner of the property. Petitioner applied for building permission on 11.10.2017. On 02.12.2017, the building permission application was returned directing the petitioner to submit link document registered before 28.10.2015. Challenging the same, this writ petition is filed.

3. According to learned counsel for the petitioner, the person from whom the petitioner purchased is the owner of the property. There was no sale transaction prior to 28.10.2015. Therefore, it is not possible for the petitioner to produce the document as required by municipality and the objection raised cannot be complied. He further submits that it is irrational to ask the petitioner to produce such link document. According to learned counsel for petitioner, petitioner was paying vacant land tax and municipal tax and municipality has assigned municipal number.

4. Learned standing counsel, on instructions, submits that the cut off date 28.10.2015 has relevance, in view of the introduction of scheme of regularisation of unauthorised lay outs. If the lay out was formed without authorisation, a person could apply for regularisation of the lay out plot on or before 28.10.2015. He submits that document sought is required only to ascertain whether the lay out was approved or

unauthorised lay out was formed but application was made for regularisation prior to cut off date and for no other purpose.

5. For the municipality to approve the building permission, what is required is house plot is situated in an approved lay out and therefore, what is required by the municipality is to ask the applicant to produce approved lay out but by asking for production of link document, registered before 28.10.2015 no useful purpose would be served. Furthermore, if what is stated by learned counsel for the petitioner is correct, it is not possible for the petitioner to produce the document, if the owner of the property is in occupation and enjoyment of the same for several years before the petitioner purchased the said property. Thus, the objection, on the face of it, is not sustainable and the same is set aside. However, if what is pointed out by learned standing counsel is true, it is always open to the respondent municipality to specify what exactly is required by the municipality and require the petitioner to comply the said objection.

6. Thus, leaving it open to the respondent-municipality to process the application and to point out the deformities as may be noticed, the writ petition is disposed of. Appropriate communication be furnished to the petitioner within a period of three (3) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P NAVEEN RAO,J

12TH February, 2018
Note : Issue cc in three days
B/o
RDS