

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.11902 of 2018

O R D E R:

Heard counsel for petitioner and Sri Pasham Krishna Reddy, Standing Counsel for GHMC appearing for respondents.

2. Petitioner has assailed the shortfall letter No.3/C1.04866/2016 dt.23.11.2016 issued by the 1st respondent stating that *"court orders are existing against the said layout and file forwarded to Standing Counsel for legal opinion"*.

3. Petitioner contends that he made application on 22.11.2016 and made the initial payment apart from enclosing letter dt.20.06.2016 issued by HMDA showing that the plot of the petitioner is in residential use zone, that certain drawings were also submitted by the petitioner in November, 2017, but the impugned Endorsement has been received by the petitioner from the respondents on 21.11.2017 to the above effect.

4. Counsel for petitioner states that another plot owner, whose plot number is 606(D) in the same layout where the petitioner has plot No.178, filed W.P.No.37810 of 2015 and this Court directed the 1st respondent to dispose of the

application of the writ petitioner therein, but in the case of the petitioner, no action has been taken by the respondents.

5. Counter affidavit has been filed by the respondents referring to other Writ Petition Nos.22449 of 2012 and 10665 of 2010 apart from WA.No.200 of 2014 without explaining how they are relevant to the subject case.

6. The other ground taken by the respondents is that it was the duty of the petitioner to upload the judgment in W.P.No.37810 of 2015 in response to the shortfall letter instead of approaching this Court and that the respondents are ready to consider petitioner's building permission application within four (04) weeks as was done in the case of the petitioner in W.P.No.37810 of 2015.

7. In my considered opinion, the endorsement in the shortfall letter referred to supra is vague and merely because the file is forwarded to Standing Counsel for legal opinion, the petitioner cannot be blamed for non-submitting some material to the respondents.

8. Since the respondents have already considered the case of the petitioner in W.P.No. 37810 of 2015 and have now agreed to consider petitioner's building permission application within four (04) weeks, the Writ Petition is disposed of directing the respondents to consider the petitioner's building permission application within a period of four (04) weeks and

communicate their decision to the petitioner. No order as to costs.

9. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

01st May, 2018.
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