

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17730 OF 2018

ORDER:-

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

“to issue any writ or writs order or direction more particularly one in the nature of WRIT OF MANDAMUS MANDAMUS declaring the proceedings Lr.No.2/C/19/04102/2018 dt.19.03.2018, of the Respondents No.4 to 7, is as illegal arbitrary and violation of principals of natural justice, and also violative of article 19, 21, of constitution of India and consequently set-aside the same and consequently direct the Respondents No.4 to 7, grant the permission for construction of the consisting of Auto LPG Dispensing Station, House bearing No.8-1-351/A/39-40, 41 part of House No.8-1-351/A/11, 12, 13, at Adams colony Tolichowki, Hyderabad, in the interest of justice and equity.”

2. Heard Sri Ch.Janardhan Reddy, learned counsel for the petitioners, and Sri L.Venkateswara Rao, learned Standing Counsel appearing for the respondent Corporation.

3. As per the writ affidavit, case of the petitioners, in brief, is as follows:

The petitioners are the absolute owners and possessors of house bearing No.8-1-351/A/39-40, 41 admeasuring 680 sq.yards situated in Adams Colony, Tolichowki, Shaikpet Mandal, Hyderabad by virtue of a registered gift deed, dated 09.07.2017, and registered sale deed, dated 31.10.1994. The petitioners submitted an application before respondent Nos.4 to 7 on 28.02.2018 seeking permission for construction of a commercial building for running an Auto LPG Dispensing Station at

Plot/H.Nos.39, 40 and 41 situated at part of plot Nos.11 and 12, house bearing No.8-1-351/A/39-40, 41 part of House No.8-1-351/A/11, 12 and 13 at Adams Colony, Tolichowki, Hyderabad and also entered into an agreement with respondent No.9, but respondent Nos.4 to 7, without considering the documents submitted by the petitioners, mechanically returned the said application *vide* order, dated 19.03.2018, and the said order was not even communicated to the petitioners. When the petitioners enquired with respondent Nos.4 to 7, it was informed to them on 09.05.2018 that their application was returned on 19.03.2018 itself.

4. Learned Standing Counsel appearing for the respondent Corporation submits that if the petitioners submit a representation to the respondent Corporation along with all the relevant documents, the respondent Corporation would consider the same and pass appropriate orders.

5. Recording the submission of the learned Standing Counsel, this Court, without expressing any opinion on merits, is of the considered view that the ends of justice would be met if the writ petition is disposed of directing the petitioners to submit a representation to the respondent Corporation by duly enclosing all the relevant documents within a period of one week from the date of receipt of a copy of this order and on such representation being made, the respondent Corporation shall consider the same and pass appropriate orders in accordance with law within a period of four (4) weeks thereafter.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 17.05.2018

Note:- Furnish C.C. within two (2) days.

B/O
AMD



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DATE: 17.05.2018

AMD