

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18693 of 2018

ORDER:

Heard learned counsel for the petitioner, Sri N.Praveen Kumar, learned Standing Counsel appearing for the second respondent, and Sri K.Harikishan, learned counsel for the respondent Nos.3 and 4, apart from perusing the material on record.

According to the petitioner herein, he purchased an extent of 753 sq.yards of open plot in Sy.Nos.727 and 728 of Metpalli, Karimnagar District from one Sri Togeti Thukaram, vide registered document No.1651 of 2005, dated 14.06.2005, and, ever since he has been in possession and enjoyment of the said property. It is stated that, after purchase of the said property by the petitioner, the Mandal Revenue Officer, Metpalli issued proceedings No.B440/2006, dated 20.10.2006, mutating the name of the petitioner, basing on the above mentioned registered document in the revenue records and the premises is given door No.1-4-331/1/3 and vacant land tax is also being collected. Petitioner herein made an application, vide BA.3013/W/13/ 2017/0289, dated 30.06.2017, to the second respondent. It is further stated that the second respondent issued a notice on 21.10.2017, stating that the respondent Nos.3 and 4 made a complaint that the petitioner herein is making illegal constructions in the said land. It is also stated that the respondent Nos. 3 and

4 instituted O.S.No.51 of 2017, on the file of the Senior Civil Judge, Jagityal, against the petitioner herein, for perpetual injunction in respect of the property in Sy.Nos.727 and 728 and they also filed I.A.No.423 of 2017 and the Civil Court, on 13.06.2017, granted an order of *status quo*. It is further stated in the writ affidavit that the petitioner herein made another application on 25.04.2017 for grant of building permission and it is the complaint of the petitioner herein that the second respondent herein is neither approving nor rejecting the same.

When the matter was taken up, on the previous occasion, a shortfall intimation letter, dated 17.03.2018, was placed on record by the learned Standing Counsel for the second respondent showing the following shortfall:

“The applicant shown the Sy.Nos.723 & 728 in the submitted application are not tallied with the submitted plan and Registered documents site survey numbers are 727 and 728”.

Today when the matter is taken up, it is submitted by the learned counsel for the petitioner that, after receipt of the said shortfall letter, dated 17.03.2018, petitioner herein furnished necessary information to the second respondent and the second respondent may be directed to consider the application as per law. Learned Standing Counsel submits that, if that being so, the respondent authorities will take appropriate action as per law.

On the other hand, it is submitted by the learned counsel for the respondent Nos.3 and 4 that the application of

the petitioner herein cannot be considered in view of the pendency of the suit and the orders passed by the Civil Court.

Having heard the learned counsel on either side, this Court, in the facts and circumstances of the case, deems it appropriate to dispose of the Writ Petition, with a direction to the second respondent to pass appropriate orders on the building application, dated 30.06.2017, said to have been submitted by the petitioner herein, if he had already submitted the relevant information as per the shortfall letter, dated 17.03.2018, as expeditiously as possible, and the respondent Nos.3 and 4 are given liberty to file their objections, if any, within a period of ten days from the date of receipt of a copy of this order, and, if any such objections are filed by the respondent Nos.3 and 4 herein, appropriate final orders be passed on the building application of the petitioner herein, dated 30.06.2018, as per law.

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

Miscellaneous petitions pending, if any, shall stand closed.

13th July, 2018
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A.V.SESHA SAI,J