

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI**WRIT PETITION No.30489 of 2018****ORDER:**

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and Urban Development and Sri Ancha Panduranga Rao, learned Standing Counsel, appearing for the respondents, apart from perusing the entire material on record.

The grievance of the petitioner, in the present Writ Petition, is that the Rajamahendravaram Municipal Corporation-second respondent herein is insisting on 'No Objection Certificate' of the Fire department for considering her building application, under the Building Penalisation Scheme, acknowledged vide transaction I.D.No. 181EOD6587CC1681106D.

According to the learned counsel for the petitioner, the said insistence for the production of 'No Objection Certificate' of the Fire department is contrary to the instructions of the State Government, vide circular memo No.MAUD01-28029/67/2018-M SEC-MAUD (M2), dated 26.07.2018. Paragraph Nos.3 and 4 of the same read as under:

"In the G.O.3rd cited, orders were issued extending the recommendations of the High Empower Committee issued in G.O. 1st cited to the BPS-2015 issued in the G.O. 2nd cited, for the buildings constructed after 2007 pertaining to issue of Fire NOC as per the AP Fire Act, 1999, so as to

regularize the buildings which are eligible under BPS-2015 in the ULBs in the State of Andhra Pradesh.

In the letter 5th cited the Director of Town and Country Planning, A.P., Guntur has reported that the Fire Services Department is not following the instructions issued in the G.O. 1st and 3rd cited and insisting provisional NOC for the existing buildings also, which may not be feasible. In this regard, obtaining of provisional NOC for the existing buildings does not arise and certain recommendations have been accepted by the Government regarding provision of Fire Safety Measures in the existing building rules issued in G.O. 4th cited”.

In view of the above, Writ Petition is disposed of, directing the respondents herein to consider the application of the petitioner herein, under BPS, process the same and pass final orders, by taking into account the circular memo and the G.Os. referred to therein. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

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

A.V.SESHA SAI,J

25th September, 2018.
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