

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.35800 OF 2018

ORDER :

Heard Sri Polisetty Radhakrishna, learned counsel for the petitioner and Sri N.Praveen Kumar, learned Standing Counsel for Respondent No.2-Municipality.

2. According to the petitioner, he purchased an extent of 150 sq.yards of open plot in Sy.No.1210/E of Metpally from one Puppala Bhumeswar for a valuation consideration vide registered sale deed bearing document No.2927/2018 dated 24.08.2018. It is also the case of the petitioner herein that his vendor was having an extent of Ac.1.01 guntas of agricultural land in the above survey number and the Revenue authorities also issued title deed and pattadar passbook in respect of the said land.

3. Admittedly, the petitioner herein purchased the plot in an unapproved layout. The grievance of the petitioner in the present writ petition is that the Respondent authorities are not accepting the application of the petitioner for grant of building permission on the ground that the subject plot falls under unapproved layout and is not recognised within the scheme introduced by the 1st respondent vide G.O.Ms.No.151 dated 2.11.2015.

4. During the course of arguments, it is brought to the notice of the Court that the State Government in respect of unapproved layouts issued Memo No.2252/M1/2017 dated 28.04.2017. The said memo reads as under:

“Building permission in such plots/sites may be considered by the Competent Authority by collecting basis penalisation charges as per LRs – 2015 and 33% compounding fee on the same, plus open space contribution charges (14%) on the present market value of the site/plot applied for Building Permission”.

5. It is very much evident from the above circular that the applications for building permissions can be considered by the competent authorities by

collecting 33% compounding fee on the same plus open space contribution charges at 14% on the market value of the plot applied for building permission. The Government issued the said memo in respect of the plots/sites, for which no application under Land Regularisation Scheme was submitted. It is also very much evident from the reading of the above memo that the building application of the petitioner herein deserves to be considered in terms of the said circular dated 28.04.2017 subject to compliance of statutory requirements.

6. Accordingly, the writ petition is disposed of, directing the Respondent Municipality to accept the application of the petitioner herein for building permission in terms of the Memo No.2252/M1/2017 dated 28.04.2017 issued by the 1st respondent and pass appropriate orders, as per law. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

04th October, 2018
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A.V.SESHA SAI, J