

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

WRIT PETITION No.36526 of 2018

ORDER:

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

2. According to the petitioner, he purchased an extent of 200 Sq.Yds., of open plot bearing No.63 in Sy.No.54, Adnan Colony, Jalpally village, Balapur Mandal, for valuable consideration vide registered sale deed No.4525 of 2017, dated 19.08.2017.

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 recognized within the scheme introduced by the 1st respondent vide G.O.Ms.No.151, dated 02.11.2015.

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 basic 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 present market value of the site/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 all statutory requirements.

6. Accordingly, the Writ Petition is disposed of, directing the respondent-Municipality to accept and process 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.

Miscellaneous petitions pending, if any, shall stand closed.
There shall be no order as to costs.

08th October, 2018
smr

A.V.Sesha Sai, J