

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.42706 of 2018

ORDER:

- 1) Heard learned counsel for the petitioner and learned Standing Counsel for Municipalities, appearing for respondent Nos.2 and 3.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the inaction of respondent Nos.2 and 3 in taking action on the representation dated 01.10.2018 of the petitioner submitted to respondent No.2 and contemplating to grant approval of the building plan submitted by respondent No.4 in respect of petitioner's half share in the property admeasuring 241 1/3 square yards of vacant site in T.S.No.203 part, T.S. Ward No.3, Block No.5, Taluk No.268/2 of Chirala village, despite pendency of the civil suits against the said property, as arbitrary and illegal.
- 3) Though various grounds are raised, learned counsel for the petitioner would submit that without considering the objections raised by the petitioner on 01.10.2018, the authorities have granted permission for construction of residential complex in favour of the unofficial respondent, which according to the petitioner is illegal and arbitrary and that the said permission came to be obtained suppressing the material facts.
- 4) Learned Standing Counsel would submit that initially the petitioner made an application for construction of commercial building, which came to be rejected as the land is earmarked for

residential purpose. Subsequently, another application was made through online by the petitioner on 04.10.2018 and the same came to be accepted and permission was granted on 11.11.2018. According to him, since the application made through online was considered, it would be difficult to take into consideration the objections submitted by the petitioner, physically in the office. He further submits that since the Commissioner has got the power to look into the objections raised and also has got the power to cancel the same, the said authority may be directed to deal with the objections raised by the petitioner, in accordance with law.

5) Having regard to the above, the Writ Petition is disposed of directing the Commissioner, Chirala Municipality, Chirala, Prakasam District, to deal with the objections raised by the petitioner on 01.10.2018, submitted by the petitioner, in accordance with law, after hearing all the concerned and pass appropriate orders, as early as possible, preferably within a period of three months from the date of receipt of a copy of this order.

6) There shall be no order as to costs. As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Dt: 03.12.2018
vhh