

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.47531 OF 2018

ORDER:

Heard learned counsel for the petitioners and Sri N.Praveen Kumar, learned Standing Counsel appearing for respondent No.2.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in not receiving and considering for grant of building permission for construction of residential building in open plot of 0.7 guntas in Survey Nos.182 and 182/ A at Pregnapur village, Gajwel mandal, Siddipet District, as illegal and arbitrary.

3. According to the petitioners, they purchased 0.7 guntas in Survey Nos.182 and 182/ A at Pregnapur village, Gajwel mandal, Siddipet District for a valuable sale consideration vide registered sale deed No.8511/ 2006, dated 27.07.2006 and settlement deed dated 24.08.2017.

4. Admittedly, the petitioners purchased the plot in an unapproved layout. The grievance of the petitioners 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 respondent No.1, vide G.O.Ms.No.151, dated 02.11.2015.

5. 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 penalization 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”.

6. 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 Regularization Scheme was submitted. It is also very much evident from the reading of the above memo that the building application of the petitioners herein deserves to be considered in terms of the said circular dated 28.04.2017, subject to compliance of statutory requirements.

7. Accordingly, the Writ Petition is disposed of, directing respondent Municipality to accept the application of the petitioners for building permission in terms of the Memo No.2252/ M1/ 2017, dated 28.05.2017, issued by respondent No.1 and pass appropriate orders, as per law.

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

Date: 31.12.2018
vhb

C. PRAVEEN KUMAR, J

