

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.NO.5557 OF 2019

ORDER

Petitioner vide application No.3054/0096/W17/2018 dated 20.06.2018 sought permission of the 3rd respondent - Sadashivpet Municipality at Sadhashivpet, Sangreddy District, represented by its Commissioner, for construction of the residential house in the subject plot. The office of the Town Planning Section, Sangareddy, issued short fall notice dated 30.01.2019, requiring the petitioner to comply with the deficiencies pointed out therein. Aggrieved by the said short fall notice, the present writ petition is filed.

From a perusal of the short fall notice, this court found that one of the deficiencies pointed out was that the petitioner mentioned in the application the width of the approach road as 12 meters, whereas the width of the existing approach road is 18 meters. This court vide docket order dated 18.03.2019, directed the learned Standing Counsel to get instructions as to how the wrong mention of width of the approach road, could disentitle an individual of building construction permission.

Learned counsel for the petitioner submits that the petitioner is willing to comply with the deficiencies pointed out in the short fall notice and that the respondents may be directed to process the application of the petitioner and grant permission.

Commissioner of the 3rd respondent – Corporation filed counter affidavit setting out the reasons, for issuance of the short fall notice and also pointing certain other deficiencies.

Sri N.Praveen Kumar, learned Standing Counsel for respondents 2 and 3 – Municipal Corporation, based on the averments made in the counter affidavit, submits that the intention of the petitioner in showing the width of the approach road less than the existing width, appear to be to make constructions in future by encroaching the road margin. He further submits that if the petitioner complies with the deficiencies pointed by the respondents in the short fall notice and in the counter affidavit, the building permission of the petitioner would be considered in accordance with law and in the light of the rules notified under G.O.Ms.No.168 dated 07-04-2012.

Since the impugned order is only a notice requiring the petitioner to comply with the deficiencies and as the learned counsel for the petitioner also submitted that the petitioner is willing to comply with the said deficiencies, and having regard to the facts and circumstances of the case and submissions of the learned counsel, without expressing any opinion on merits, writ petition is disposed of directing the respondent No.3 to cause reprocessing of the application of the petitioner, subject to the petitioner complying with the deficiencies pointed out in the impugned short fall notice and also the deficiencies pointed out in the counter affidavit, and pass appropriate orders in accordance with law and also taking into consideration the building permission rules issued in G.O.Ms.No.168 dated 07-04-2012, within a period of four weeks from the date of receipt of a copy of this order.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM,J

DATE:09—04—2019
AVS

