

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 7854 of 2019

ORDER:

Petitioners assert that they are the owners of plot bearing Nos.74 and 75 in Survey No.101/17, situated at Sai Nagar, Nagole Village, Uppal Revenue Mandal; that in 1998, they obtained permission for construction from the then L.B. Nagar Municipality and made constructions; that as the area had developed commercially, they desire to construct a commercial complex and thereby, submitted an application on 01.06.2016 seeking permission and paid a sum of Rs.1,21,42,902/- as directed by the respondent authorities; that even though much time has elapsed, permission is not being granted and on enquiries, they were informed that the subject plots were falling under the laoni patta and they shall get clarification from the Tahsildar concerned and that in the said survey number, permissions were granted to others. In the circumstances, they seek a writ of mandamus seeking to declare the action of the respondents in not granting building permission, as illegal and arbitrary.

On an earlier occasion, this Court granted time to the learned Standing Counsel for GHMC appearing for respondent Nos.2 and 3 to get instructions as to why the application of the petitioners has been kept pending since 2016. Today, when the matter is taken up, once again he is seeking time.

Considering the nature of relief which the petitioners are seeking, this Court is not inclined to grant time to the learned Standing Counsel as it would only delaying the entire process.

At this point of time, as the application of the petitioners is kept pending, respondent No.2 is duty-bound to pass orders one way or the other and if the permission is not being granted, respondent No.2 shall refund the amount which has been deposited by the petitioners for the purpose of processing the application along with the rejection letter.

In those circumstances, the writ petition is disposed of with the direction to respondent No.2 to pass orders on the application of the petitioner seeking building permission, within a period of four weeks from the date of receipt of a copy of this order. In the event the application is not being accepted and permission is not being granted, respondent No.2 shall return the amount of Rs.1,21,42,902/- to the petitioners along with the rejection orders as the respondent authorities cannot keep the money of the petitioners and at the same time not being granted permission.

Miscellaneous petitions, if any, pending in this Writ Petition shall also stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:29.04.2019

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