

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 8737 of 2019

ORDER:

In this writ petition, petitioners challenge the shortfall letter dated 21.06.2017 refusing to grant building permission with respect to house bearing No.15-4-166, Osmanshahi, Gowliguda, Hyderabad as the BC has examined the proposals and decided to defer the case for obtaining clearance from Endowment Department regarding ownership of the land.

Heard learned counsel for the petitioners.

On instructions, learned Standing Counsel for respondent No.2 submits that there being a claim with respect to the subject property by the Endowments Department, rejection of building permission is sustainable.

The impugned letter does not disclose any reason, except mentioning that the petitioners are required to obtain 'No Objection Certificate' from the Endowments Department with regard to ownership of the land. In what circumstances the petitioners are required to approach the Endowments Department is not discernable from the impugned letter.

In those circumstances, the writ petition is allowed and the impugned letter is set aside. The matter is remanded to respondent No.2 for fresh consideration, take a decision thereon in accordance with law and communicate the same to the petitioners. If any

clarification is required, respondent No.2 may seek such clarification from the petitioners. This entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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:24.09.2019
kdl



The limited grievance of the petitioner in this writ petition is that respondent No.2-Narsampet Municipality is not considering the representation dated 18.09.2017 submitted by it complaining the unauthorised constructions made by respondent No.3.

Learned Standing Counsel for respondent No.2 seeks time to get instructions in the matter.

Considering the nature of grievance of the petitioner and in view of the directions issued by the Division Bench of this Court *vide* order dated 27.10.2006 in W.P.No.20000 of 2006 that such representations shall be dealt with by the Municipal Corporations and the Municipalities within a period of 15 days from the date of receipt thereof or of notice sent by any person with the complaint regarding illegal/unauthorised construction, and written response invariably be given to such person, the writ petition is disposed of with the direction to respondent No.2 to take action on the representation of the petitioner within 15 days from the date of receipt of a copy of this order.

Miscellaneous applications, if any pending, in the Writ Petition shall also stand disposed of. No costs.

