

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 16736 OF 2019

ORDER:

This writ petition is filed challenging the action of the respondents 1 and 2 in rejecting the application of the petitioner seeking building permission in premises bearing Door No.1-7-132, Main Road, Bhongir, through speaking order vide letter No.G1/2517/2017, dt.09.01.2019, as illegal and arbitrary and for a consequential direction to respondents 1 and 2 to approve the application of the petitioner and grant construction permission.

Learned Counsel for the petitioner submits that petitioner's application is rejected on the ground that the land for which the petitioner is seeking permission falls under the proposed land acquisition proceedings, but, as on today no notification is issued for acquisition of the said land under the provisions of Land Acquisition Act, 2013, as such, the objection taken by the respondents for rejecting the petitioner's application cannot be a ground. He further submits that there is resolution of Municipality dt.31.05.2016 to acquire the land of the petitioner and that the petitioner is ready to forego three feet of land.

Heard Sri N.Praveen Kumar, learned Standing Counsel for respondents 1 and 2 who submits that out of the subject land 58 Sq.yards of land is required for laying public road, as such, the

respondent authorities rejected the application of the petitioner for building permission.

It is to be seen that as on today, no notification under the provisions of Land Acquisition Act is issued. As such, the respondent authorities cannot reject the application of the petitioner on the ground that the respondents are going to acquire 58 sq.yards of land out of the land for which the petitioner is seeking building permission.

Since it is stated by learned counsel for the petitioner that the petitioner is ready to forego 3 feet of land, subject to that, his application for building permission may be considered.

In view of the above, the competent authority is directed to dispose of the application of the petitioner for building permission, afresh, in accordance with law, within 3 weeks from the date of receipt of a copy of this order, keeping in view the undertaking given by the petitioner that he is ready to forego three feet of land.

To the extent indicate above, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.11.2019

Note: Issue CC in one week

B/o.t k.

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