

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 20793 OF 2019

O R D E R:

Heard learned counsel for the petitioner as well as learned Standing Counsel for the Corporation.

Petitioner seeks a *mandamus* to declare the action of the respondents in not granting him permission as per the Application dated 11.05.2019 for construction of house in plot No. 76 admeasuring 169 square yards in Survey No. 129/68 paiki (T.S.No. 11 Ward 10, Block-H) situated at Shaikpet Village and Mandal as illegal and arbitrary.

The petitioner was served with shortfall letter dated 10.06.2019 which reads as under:

“ A complaint letter has been received i.e. not to give the permission on the proposed survey number. The file is sent back to the applicant until we get a clarification to give the permission no. hence, the file is suggested for shortfall.”

A bare perusal of the above-quoted portion discloses non-application of mind on the part of the 4th respondent Assistant city Planner in rejecting the Application. The intimation does not state who the complainant is, what is the nature of complaint and the relevancy of the said complaint to the petitioner.

Inasmuch as the 4th respondent, without applying mind, has given the shortfall letter, the Writ Petition is allowed with costs of Rs.500/- (Rupees five hundred only) payable by the 4th respondent personally to the Registrar (Judicial) of this Court.

The miscellaneous Applications, if any shall stand closed.

CHALLA KODANDA RAM, J

24th September 2019

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