

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.21768 OF 2019

ORDER:

It is a case where petitioners challenge the rejection letter dated 06.04.2018 issued by the 3rd respondent rejecting their application dated 27.02.2018 for grant of house building permission with regard to Plot No.24 in Sy.No.77 and L.P.No.97/97 situated at Kothapet Village, Kagaznagar Mandal and Municipality, Adilabad District.

The rejection letter reads as under:

“Sri Jitendra Kumar Rochwani has applied for Building Permission for construction of G + 1 in Plot No.24 (Part) situated at Yellagoudthota, Kagaznagar, but Sri Shabbir Hussain, Ex-Councillor, Kagaznagar Municipality has filed a complaint against the Plot No.24 to the Commissioner & Director of Municipal Administration, Hyderabad and Vigilance Department, Hyderabad. Hence the representation of the application cannot be considered and since the issue is in the vigilance persuasion.

Hence, the representation of the applicant cannot be considered. Hence, informed.”

The above rejection letter hardly makes out a justifiable reason for rejecting the application of the petitioners. Assuming that there is a complaint received with regard to the subject property as a Government land, the respondents are required to examine the material placed before it by the petitioners, who are the applicants seeking building permission and the relevant documents that are

available with the authorities and any other Government record or otherwise any other material and thereafter take a comprehensive view and come to a conclusion that the property does not belong to the petitioners and thus permission cannot be granted.

What all has been stated by the respondents for rejection of the application submitted by the petitioners is that a complaint has been received from one Shabbir Hussain, Ex-Councilor, Kaghaznagar Municipality against Plot No.24 to the Commissioner and Director of Municipal Administration and Vigilance Department Hyderabad.

The letter dated 31.08.2017 addressed by one Shabbir Hussain is also placed on record by the learned counsel for the petitioner. The same does not disclose any mention being made in respect to the property of the petitioner. Even assuming that there is a mention made by the said individual in the interest of protecting the property, it is the duty of the 3rd respondent to strictly follow the procedure prescribed by law, while processing the application that is being made by the petitioners seeking construction permission, before coming to a conclusion.

The 3rd respondent having not been followed such exercise in the present case, the rejection letter dated 06.04.2018 is set aside and the matter is remanded to the 3rd respondent to reconsider the application of the petitioners with relevant material as required in law and

communicate his decision to the petitioners. The said exercise shall be completed within six weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending in the writ petition, if any, shall stand closed.

CHALLA KODANDA RAM, J

Date: 01.10.2019.
dv



THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.21768 OF 2019

Dated : 01.10.2019

dv