

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 26746 OF 2019

ORDER :

This writ petition is filed challenging the action of the respondents in not considering the application of the petitioners for building permission dt.08.08.2019 and in not sanctioning the municipal plan in favour of the petitioners in connection with their property bearing H.No.2-4-680/99, admeasuring 100 Sq.Yards, situated at Sundernagar, Kachiguda, Hyderabad.

The case of the petitioners is that they have submitted application to the respondents seeking building permission on 08.08.2019 and thereafter the 2nd respondent issued shortfall letter dt.01.10.2019 to the petitioners, wherein certain remarks were made in respect of subject land by the respondents. In pursuance of the said shortfall letter the petitioner submitted explanation dt.18.11.2019 to the 2nd respondent. But, till date no action has been taken by the respondents on the application of the petitioners for building permission. Aggrieved by the same, present writ petition is filed.

Learned Counsel for the petitioners states that petitioners were asked to surrender land, as the part of land for which the petitioners 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. He also relies on the Judgment rendered by this Court in *Mohammed Ahmed Ali v. State of Telangana* [2015 (3) ALD 35], wherein this Court clearly held that the respondents cannot insist the petitioner to surrender the land required for road widening, free of cost, if he wants them to consider his application for permission for making construction in rest of the land in question.

He further submits that inspite of the aforesaid Judgment, the respondents kept the application of the petitioners pending, without considering the explanation made by the petitioners.

Heard Sri Pasam Krishna Reddy, learned Standing Counsel for respondents 2 to 5.

Since petitioners have already submitted their explanation dt.18.11.2019 in pursuance to the short fall letter dt.01.10.2019, the 2nd respondent is directed to consider the explanation of the petitioners and take action on the application of the petitioners for building permission in terms of the law laid down by this Court in *Mohammed Ahmed Ali's* case. The said exercise shall be done within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. 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

09.12.2019

Note: Issue CC in three days.

B/o.t k.



THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 26746 of 2019

09.12.2019

tk