

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26927 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare letter No.2/C21/18274/2019, dated 31.10.2019, issued by the 2nd respondent refusing to consider the application of the petitioner for permission for construction of building in Plot Nos.54 and 55 in Survey No.44/1, situated at Miyapur Village, Serilingampally Mandal, Ranga Reddy District, on the ground of pendency of Land Grabbing Court case, as arbitrary and illegal and consequently direct respondents 2 and 3 to consider the application of the petitioner.

2. Heard the learned counsel for the petitioner and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents 2 and 3.

3. The case of the petitioner is that he made an application on 21.10.2019 to the 2nd respondent for construction of residential building by paying processing fee under File No.2/C21/18274/2019. But, the 2nd respondent without processing the said application, returned the same and thereafter issued shortfall letter on 31.10.2019.

4. Learned counsel for the petitioner would submit that the petitioner was issued shortfall letter on 31.10.2019 and the petitioner has to comply with the said shortfall letter. He further submits that though the land claimed by the petitioner is not covered by L.G.C.No.29 of 2006 and the same was brought to the

notice of the concerned, the respondent authorities are not considering the building permission application of the petitioner.

5. On the other hand, learned Standing Counsel for respondents 2 and 3 would submit that when civil litigation is pending, the respondent authorities are not entitled to consider the building permission application.

6. It is to be seen that the petitioner was issued shortfall letter on 31.10.2019 and so far the petitioner has not complied with the said shortfall letter. Therefore, it is open for the petitioner to give explanation to the shortfall letter, dated 31.10.2019, within the period of four (4) weeks from the date of receipt of a copy of this order.

7. At this stage, the learned Standing Counsel for respondents 2 and 3 would submit that the petitioner has to up-load the explanation, pursuant to shortfall letter, dated 31.10.2019, through online only. In view of the same, it is for the petitioner to comply with the same.

8. Accordingly, without expressing any opinion on merits of the case, the Writ Petition is disposed of directing the respondent authorities to consider the explanation to be submitted by the petitioner, pursuant to the shortfall, letter, dated 31.10.2019, in accordance with law, within a period of four (4) weeks from the date of receipt of the explanation. There shall be no order as to costs.

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

5th December, 2019
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A.RAJASHEKER REDDY, J



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Date:05.12.2019

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