

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.27518 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon’ble Court may be pleased to issue Writ, Order, Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in refusing to give permission vide Lr.No. 3/C21/14209/2019, dated 23-08-2019 for construction of residential building consisting of stilt, ground + two floors in Plot No.70 of Sy.No. 44/3/1 and 44/2 situated at Maktha Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District as being illegal, arbitrary and unconstitutional and in violation of provisions of GHMC Act and consequently direct the 2nd respondent to forthwith accept the application of the petitioner and grant permission for construction of building on Plot No.70 of Sy.No. 44/3/1 and 44/2 situated at Maktha Mahaboobpet Village, Serilingampally Mandal, Ranga Reddy District without insisting on NOC from Revenue Department and pass such other order or orders as this Hon’ble court may be pleased to, deem fit and proper in the circumstances of the case.”

2. Heard Sri Sashidhar Kasi Reddy, learned counsel appearing for the petitioner, learned Government Pleader for Municipal Administration & Urban Development appearing for the 1st respondent, Sri Sampath Prabhakar Reddy, learned standing counsel appearing for respondents 2 & 3 and learned Government Pleader for Revenue appearing for the 4th respondent. Perused the material available on record.

3. It is the case of the petitioner that the 2nd respondent has issued the impugned letter, dated 23.08.2019, refusing to give permission for construction of residential building in the subject property of the petitioner, wherein the respondent officials have indicated in the said shortfall letter that the petitioner has commenced the work and laid footings for columns, without maintaining the required setbacks as mentioned in the proposed DWG.

4. At the time of arguments, learned counsel appearing for the petitioner has categorically stated that the said columns have been demolished and the petitioner would raise the same, in accordance with law, by maintaining the required setbacks as per the sanction plan.

5. Recording the said submission, the Writ Petition is disposed of directing the 2nd respondent to consider the building application, dated 10.08.2019, submitted by the petitioner and pass appropriate orders, in accordance with law, and issue sanction plan, upon which the petitioner shall proceed with the construction in the subject property, in accordance with the said sanction plan. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

T. AMARNATH GOUD, J

Date: 11th December, 2019
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