

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.3402 of 2020

ORDER:

Heard learned counsel for the petitioners as well as learned Standing Counsel appearing for the second respondent Corporation.

2. The prayer sought in the writ petition is as under:

“...to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the Proceedings in File No.3006/22177/W49/2019, dated 16/01/2019 issued by the 3rd respondent whereby showing shortfall at the instance of the 5th respondent raising a doubt about the title of the petitioners and also requiring the petitioners to produce a partition deed executed among the petitioners for consideration for issue of permission for construction of building, as illegal, arbitrary and unconstitutional and consequently direct the 3rd respondent to consider the building application No.3006/22177/W49/2019, dated 14/12/2019 submitted by the petitioners without reference to the shortfall in the impugned proceedings dated 16/1/2019 and to pass such other order or orders as this Hon’ble Court may deems fit and proper in the circumstances of the case.”

3. Learned Standing Counsel, on instructions, submits that the application filed by the petitioners for grant of permission to construct a residential building in the subject site will be considered by the Corporation subject to verification of the physical features as well as *prima facie* title, link documents and with reference to the neighbours’ land and pass appropriate orders.

4. Having heard both the counsel, particularly in the light of the submissions made by the learned Standing Counsel, the writ petition

is disposed of directing the 2nd respondent Corporation to consider the application, dated 14.12.2019, and pass appropriate orders, as per law, within a period of three weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

18th February 2020

P. KESHAVA RAO, J

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