

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.10719 of 2014

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a writ or order/s more particularly one in the nature of Writ of Mandamus declaring the resolution No.40 dated 26.2.2014 passed by the respondents rejecting the building application submitted by the petitioners for construction of a commercial building in plot admeasuring 1009.22 square yards in Survey No.157/9 (new Survey No. 157/10) abutting Skh road Thokatta Village, Secunderabad Cantonment”.

Heard Sri B.Vijayaseen Reddy, learned counsel appearing for the petitioners and Sri K.R.Koteswara Rao, the learned Standing Counsel appearing for the respondents.

It has been contended by the petitioners that they are owners of Plot admeasuring 1009.22 sq. yards in Sy.No.157/9 (new Sy.No.157/10) abutting Skh Road, Thokatta Village, Secunderabad Cantonment and they have applied for building permission, but the respondents have rejected the same vide impugned order on the ground that their plot is not forming part of the approved layout.

Learned counsel appearing for the petitioners contended that in the original layout, the plot of the petitioners was not included but in the subsequent layout, the plot of the petitioners was included. Therefore, appropriate orders be passed in the writ petition by setting aside the impugned order, as the same was passed without looking into the revised layout and further direct the respondents to consider the case of the petitioners afresh as per the revised layout, where the plot of the petitioners is shown.

Learned Standing Counsel appearing for the respondents contends that originally the plot of the petitioners was shown in the layout, but subsequently in the revised layout, the petitioners plot is not shown and as such, the respondents have rejected the case of the petitioners vide impugned order, as the plot of the petitioners is not forming part of the layout. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that since the impugned order dated 26.02.2014 was passed without looking into the revised layout, the same is liable to be set aside and it is accordingly set aside. The respondents are directed to re-consider the cases of the petitioners afresh by duly taking into account the fact that whether the petitioners plot is shown in the revised layout or not and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order or whenever they conduct next board meeting.

With the above directions, the writ petition is allowed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 12-02-2020
Prv

