

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION No. 4672 of 2022

ORDER:

This Writ Petition is filed questioning the proceedings dated 20.07.2021 whereby the 2nd respondent has rejected the petitioner's Application seeking building permission on the ground that civil suits are pending between the parties and both the parties shall approach the Court where subject matter is pending.

2. Sri Mohd. Adnan, learned counsel for the petitioner submits that earlier the petitioner filed Writ Petition No. 18250 of 2020 and this Court by order dated 10.02.2021 relying on the judgment of this Court in ***T. Rameshwar v. Commissioner, Municipal Corporation of Hyderabad*** (2006(3) ALD 337) directed the respondents therein to pass necessary orders in accordance with law notwithstanding the fact that civil disputes are pending between the parties. Learned counsel submits that in spite of the same, the impugned proceedings are passed on the same ground.

3. Learned Standing Counsel for the respondent Municipality Sri N. Praveen Kumar also does not dispute the fact that in the earlier round of litigation, this Court has

directed the respondents to consider the Application of the petitioner notwithstanding the fact that civil disputes are pending.

4. Learned counsel for the 3rd respondent seeks time to file counter.

5. The impugned proceedings dated 20.07.2021 clearly shows that the 2nd respondent rejected the Application of the petitioner seeking building permission only basing on the civil suit, which stand in the earlier round of litigation was rejected by this Court. However, on the very same ground, the impugned proceedings are passed. It appears, either the officer is not understanding the Court orders or passing the orders deliberately. This is the case where *suo motu* contempt proceedings have to be initiated against the officers who have no respect to the orders passed by this Court. The learned Standing Counsel submits that the officer, who passed the impugned proceedings, is transferred.

6. In the facts and circumstances of the case, the Writ Petition is allowed and the impugned proceedings dated 20.07.2021 is set aside. The respondent Municipality shall pass appropriate orders on the Application of the petitioner dated 03.06.2020 in accordance with law within a period of 15 days

from the date of receipt of a copy of this order. There shall be no order as to costs.

7. The miscellaneous Applications, if any shall stand closed.

07th April 2022

LALITHA KANNEGANTI, J

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